

OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

TWENTY-SIXTH DAY'S PROCEEDINGS

**Twenty-Ninth Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Tuesday, May 20, 2003

The Senate was called to order at 2:30 o'clock P.M., by Hon. John Hainkel, President of the Senate.

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Gautreaux	Marionneaux
Adley	Heitmeier	McPherson
Bajoie	Hines	Michot
Barham	Holden	Mount
Boissiere	Hollis	Romero
Cain	Hoyt	Schedler
Chaisson	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lambert	Ullo
Fields	Lentini	
Fontenot	Malone	
Total—37		

ABSENT

Bean	Cravins
Total—2	

The President of the Senate announced there were 37 Senators present and a quorum.

Prayer

The prayer was offered by Rev. Lucien Garrett, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Lambert, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

**Petitions, Memorials and
Communications**

The following petitions, memorials and communications were received and read:

OFFICE OF THE COMMISSIONER OF INSURANCE
State of Louisiana

May 13, 2003

The Honorable Chris Ullo
Chairman
Senate Governmental Affairs
Post Office Box 94183
Baton Rouge, LA 70804

Dear Senator Ullo:

This is to inform you that I have appointed the following employees:

Elizabeth MacKay, Executive Counsel
Robert C. Murphy, Deputy Commissioner of Financial Solvency

Attached is the Oath of Office for each employee.

If further information is needed, please do not hesitate to contact me.

With warm regards,
J. ROBERT WOOLEY
Commissioner of Insurance

**Privilege Report of the
Legislative Bureau**

May 20, 2003

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

The following bills are approved as to construction and duplication.

HOUSE BILL NO. 30—

BY REPRESENTATIVE BAUDOUIN
AN ACT

To amend and reenact R.S. 56:104(A)(8) and 302.1(C)(2)(d), relative to hunting and fishing licenses; to provide that certain additional disabled persons may receive hunting and fishing licenses for a reduced fee; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 34—

BY REPRESENTATIVES DOWNER AND WALSWORTH
AN ACT

To amend and reenact R.S. 47:463.11(B) and (E), relative to motor vehicle special license plates; to provide that certain disabled veterans may receive a special license plate for each vehicle registered in the applicant's name; to restrict issuance of such plates to certain vehicles; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 69—

BY REPRESENTATIVE BALDONE
AN ACT

To amend and reenact R.S. 32:1735(A), relative to the towing of motor vehicles; to provide relative to the selection of a licensed towing company; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 124—

BY REPRESENTATIVE DOERGE
AN ACT

To enact R.S. 33:449, relative to mayors' courts; to create a mayor's court of the village of Heflin in Webster Parish; to provide for jurisdiction of the court; to provide for the power and authority of the mayor; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 147—

BY REPRESENTATIVE LUCAS

AN ACT

To enact R.S. 47:463.111 and 463.112, relative to motor vehicle prestige license plates; to provide for the creation of the Greater New Orleans Jurisdiction of the Church of God in Christ prestige license plate; to provide for the creation of the Progressive Baptist Church license plate; to provide for the issuance of such plates; to provide relative to the fees for such plates; to provide for use of such fees; to authorize the promulgation of rules and regulations; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 214—

BY REPRESENTATIVE JACK SMITH

AN ACT

To amend and reenact R.S. 17:3995(A)(2)(b), relative to charter school funding; to exempt certain Type 2 charter schools from provisions relative to a funding allocation adjustment pursuant to an additional pupil membership count provided for by the State Board of Elementary and Secondary Education; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 253—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 38:2212.1(A)(2), relative to the Public Bid Law; to provide relative to the exception in Public Bid Law for the purchase of certain motor vehicles and road maintenance or improvement equipment; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 280—

BY REPRESENTATIVE DEWITT

AN ACT

To enact Part II of Chapter 4 of Title 41 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 41:151, relative to receipt of donation of immovable property by the state; to provide for procedures by which the state may accept donation of immovable property; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 291—

BY REPRESENTATIVE TOOMY

AN ACT

To enact R.S. 49:191(14)(introductory paragraph) and (a) and to repeal R.S. 49:191(12)(b), relative to the Department of Justice, including provisions to provide for the re-creation of the Department of Justice and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 456—

BY REPRESENTATIVE THOMPSON

AN ACT

To amend and reenact R.S. 17:3141.2(5)(introductory paragraph), relative to the definition of proprietary school; to provide that the definition of proprietary school includes schools which operate over the internet and which meet the other elements of that definition; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 459—

BY REPRESENTATIVE ALEXANDER

AN ACT

To enact R.S. 48:461.26(A)(3), relative to parkways; to designate a portion of Louisiana Highway 3025 as a parkway; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 478—

BY REPRESENTATIVE ALARIO

AN ACT

To amend and reenact R.S. 47:1703.1(A), relative to registration of the homestead exemption; to require the assessor in Jefferson Parish to provide a form for the permanent registration of the homestead exemption; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 552—

BY REPRESENTATIVES BALDONE AND PIERRE

AN ACT

To amend and reenact R.S. 56:30.1 and 641.1(A), relative to commercial fishing licenses; to authorize the issuance of such licenses by electronic means; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 553—

BY REPRESENTATIVES DANIEL, JACK SMITH, AND PIERRE

AN ACT

To amend and reenact R.S. 56:319(A) and (D), relative to exotic fish; to require a permit for the possession of certain exotic fish; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 567—

BY REPRESENTATIVE CRANE AND SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 17:45(A)(introductory paragraph) and (B) and to enact R.S. 17:45(A)(4) and (C), relative to promotions of teachers in special schools; to provide that a teacher promoted to a higher position shall not gain permanent status in the higher position; to require teacher certification and other endorsements for certain promotions; to provide exceptions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 639—

BY REPRESENTATIVE WINSTON

AN ACT

To amend and reenact R.S. 17:416(C)(2)(a)(ii) and (b)(ii), relative to the expulsion of students found guilty of certain drug offenses; to provide for an exception to such required expulsion under certain circumstances; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 640—

BY REPRESENTATIVE WINSTON

AN ACT

To amend and reenact R.S. 56:1851(C), relative to the Natural and Scenic Rivers Act; to provide penalties for violations of that Act for which penalties are not specified; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 749—

BY REPRESENTATIVES CAZAYOUX, ARNOLD, BAUDOUIN, BEARD, DOWNS, FANNIN, FRITH, HILL, ODINET, SCHNEIDER, AND JACK SMITH

AN ACT

To amend and reenact R.S. 56:643(B)(2), relative to hunting and fishing licenses; to provide that members of the Louisiana National Guard are eligible for a resident active military license; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 762—

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 48:293(A), relative to the competitive selection of consultant firms by the Department of Transportation and Development; reduces the number of consultant firms on the short list; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 763—

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:1720(A), 1728.2(D)(introductory paragraph) and (E)(introductory paragraph), and 1728.3(D)(2) and (E)(introductory paragraph), relative to the Louisiana Towing and Storage Act; to provide relative to the mailing of certain notices; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 774—

BY REPRESENTATIVE PERKINS

AN ACT

To enact R.S. 48:281, relative to state highways; to prohibit closure of a lane of a state highway for landscaping or maintenance projects during peak traffic hours; to provide for exceptions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 778—

BY REPRESENTATIVES TRICHE, DOWNER, AND NEVERS

AN ACT

To amend and reenact R.S. 17:443, relative to procedures for removal of teachers; to add a charge of immorality as a cause for removal of a teacher; to provide definitions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 870—

BY REPRESENTATIVES HUTTER, ARNOLD, BAYLOR, BEARD, BOWLER, BROOME, R. CARTER, CROWE, DARTEZ, DEVILLIER, DOERGE, DOWNS, DURAND, FANNIN, FAUCHEUX, FRITH, FUTRELL, GREEN, HEBERT, HONEY, HOPKINS, HUDSON, M. JACKSON, JOHNS, KENNARD, KENNEY, LUCAS, MARTINY, MCDONALD, MCVEA, MORRELL, MURRAY, NEVERS, PERKINS, PEYCHAUD, PIERRE, PINAC, POWELL, QUEZAIRE, ROMERO, SCHNEIDER, GARY SMITH, JACK SMITH, STRAIN, SWILLING, THOMPSON, TOWNSEND, WADDELL, WALKER, WELCH, AND WRIGHT

AN ACT

To enact R.S. 48:281, relative to highway construction and maintenance projects; to require the Department of Transportation and Development to develop a policy of notifying sheriffs, parish presidents, fire chiefs, and state legislators prior to major highway construction and maintenance work being performed; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 898—

BY REPRESENTATIVE PITRE

AN ACT

To amend and reenact R.S. 34:1652(C)(20) and to enact R.S. 34:1662, relative to the Greater Lafourche Port Commission; to provide relative to the commission's authority to make road and bridge improvements; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 940—

BY REPRESENTATIVE DANIEL

AN ACT

To repeal R.S. 48:56(A), relative to reporting on state projects by the Department of Transportation and Development; to repeal the requirement for annual reports on state projects to the legislature.

Reported without amendments.

HOUSE BILL NO. 959—

BY REPRESENTATIVES THOMPSON AND DOWNS

AN ACT

To amend and reenact R.S. 40:1842(12), 1846(B)(3)(f), (5)(introductory paragraph), (a), (b), and (c), and (6), (C), (E), and (G)(2) and (3), and 1846.1(C)(2)(b) and to enact R.S. 40:1847.1(D), relative to liquefied petroleum gas; to require verification of odorization under certain circumstances; to provide relative to the sale of such gas for use as a refrigerant in automobile air conditioning units; to exempt certain dealers in small quantities of liquefied petroleum gas from permitting requirements; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 971—

BY REPRESENTATIVE CRANE

AN ACT

To amend and reenact R.S. 17:2112(A)(1), relative to testing pupils' sight and hearing; to provide for conducting such testing by city, parish, and other local public school boards; to provide guidelines and timelines for such testing; to provide for applicability; to provide for exceptions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1129—

BY REPRESENTATIVE GALLOT

AN ACT

To amend and reenact Children's Code Article 791.1, relative to the truancy and assessment and service center pilot program; to authorize the creation of a truancy and assessment and service center in the parishes of Bienville, Claiborne, and Jackson; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1136—

BY REPRESENTATIVE ODINET

AN ACT

To amend and reenact R.S. 56:421(B)(introductory paragraph) and (D) and to enact R.S. 56:421(B)(12), relative to the Louisiana Oyster Task Force; to provide for an additional member; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1342—

BY REPRESENTATIVES DEWITT, CRANE, ALEXANDER, CURTIS, DOWNER, HONEY, KENNARD, KENNEY, NEVERS, PEYCHAUD, POWELL, JANE SMITH, AND SWILLING, AND SENATOR THEUNISSEN
AN ACT

To enact R.S. 17:416.18, relative to the rights of teachers; to establish the Educators' Right to Teach for teachers in city, parish, or other local public schools relative to disciplinary matters; to provide for policies enacted or adopted by any city, parish, or other local public school boards; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1362—

BY REPRESENTATIVES DANIEL, BAUDOIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, MORRISH, JACK SMITH, AND STRAIN
AN ACT

To amend and reenact R.S. 3:4622 and to enact R.S. 3:4603(B)(9), relative to weights and measures; to provide for the appointment of commission members; to increase the registration fees for commercial weighing and measuring devices; to create the Weight and Measures Fund; to provide for deposit to the fund and appropriation from the fund; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1396—

BY REPRESENTATIVES THOMPSON, HILL, LAFLEUR, MORRISH, BAUDOIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, JACK SMITH, AND STRAIN
AN ACT

To amend and reenact R.S. 3:3210(C)(5), 3221(A), and 3251, relative to pesticide fees; to provide for increases in various registration, licensing, and certification fees; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1533—

BY REPRESENTATIVES DANIEL, BAUDOIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, MORRISH, JACK SMITH, AND STRAIN
AN ACT

To amend and reenact R.S. 3:4602(1), (2), (17), and (21), 4607(A) and (B), 4608(A), 4611, 4612(B), 4621(A)(introductory paragraph), (B), (C), and (D), 4622(B)(4), (C), and (D), 4623(A), and 4624(A) and R.S. 47:718(A), to enact R.S. 3:4602(12.1), (19.1), and (20.1), 4621(E) and (F), and Subpart E of Part II of Chapter 30 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:4671 through 4690, and to repeal R.S. 3:4622(F) and Part XII of Chapter 2 of Title 51 of Louisiana Revised Statutes of 1950, comprised of R.S. 51:781 through 831, relative to weighing and measuring petroleum products; to authorize the commissioner of agriculture and the Department of Agriculture and Forestry to regulate the commercial weighing and measuring of petroleum products; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1621—

BY REPRESENTATIVE HAMMETT
AN ACT

To amend and reenact R.S. 47:303.1(B), (C), and (D), and Section 2 of Act No. 15 of the 1996 Regular Session of the Legislature, as amended by Act No. 47 of the 1998 Regular Session of the Legislature, and as amended by Act No. 33 of the 2000 Regular Session of the Legislature, relative to state and local sales and use taxes; to provide that private, nonprofit, tax-exempt organizations may apply for a direct payment number for the purpose of payment of taxes owed; to extend the termination

date regarding certain transactions involving certain private and parochial elementary and secondary schools; to provide an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1790 (Substitute for House Bill No. 1117 by Representative Downer)—

BY REPRESENTATIVE DOWNER
AN ACT

To enact R.S. 40:1401, relative to the Department of Public Safety and Corrections, office of state police; to provide for rights of employees, officers, and agents of the office while under investigation; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1828—

BY REPRESENTATIVE DANIEL
AN ACT

To enact R.S. 47:118(H), relative to individual income tax; to require the secretary of the Department of Revenue to notify certain taxpayers of the requirement for filing a declaration of estimated tax; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1917—

BY REPRESENTATIVES DOWNS AND GALLOT
AN ACT

To authorize the adjutant general of the Louisiana Army National Guard to transfer title to certain land in Union Parish to the Union Parish Police Jury; to provide for the property description; to provide for reservation of mineral rights; to provide for terms and conditions; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
LOUIS LAMBERT
Chairman

Adoption of Legislative Bureau Report

On motion of Senator Lambert, the Bills and Joint Resolutions were read by title and passed to a third reading.

**Introduction of Resolutions,
Senate and Concurrent**

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 47—

BY SENATOR MALONE
A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana on the death of Jennifer Lynne Patty.

On motion of Senator Malone, the resolution was read by title and adopted.

SENATE CONCURRENT RESOLUTION NO. 92—
BY SENATOR HINES**A CONCURRENT RESOLUTION**

To commend the Port Barre High School Red Devils on winning the 2002 Class 2A state championship in the Nokia Sugar Bowl Prep Football Classic.

The resolution was read by title. Senator Hines moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Dardenne	Johnson	Smith
Dean	Jones, B	Tarver
Dupre	Jones, CD	Theunissen
Ellington	Lambert	Thomas
Fields	Lentini	Ullo
Total—36		

NAYS

Total—0

ABSENT

Bean	Cravins	Irons
Total—3		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 93—
BY SENATOR MICHOT**A CONCURRENT RESOLUTION**

To urge and request the commissioner of administration to prepare a report containing certain information on all performance-based energy efficiency contracts for services and equipment entered into by any state agency, board, or commission.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Finance.

**House Bills and Joint Resolutions
on Second Reading to be Referred,
to the Legislative Bureau**

The following House Bills and Joint Resolutions were read by title and referred to the Legislative Bureau as follows:

HOUSE BILL NO. 1732—

BY REPRESENTATIVE DEVILLIER AND SENATOR DARDENNE
AN ACT

To enact R.S. 15:147(A)(1)(d), (e), (f), and (g), relative to right to counsel in criminal cases; to provide with respect to the defense of indigents; to provide for the collection of a one-time forty dollar fee from criminal defendants seeking representation by the indigent defender board; to provide for collection and distribution of fees; and to provide for related matters.

Floor Amendments Sent Up

Senator Dardenne sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Conforming Amendments proposed by Senator Dardenne to Engrossed House Bill No. 1732 by Representative Devillier (Duplicate of Senate Bill No. 820)

AMENDMENT NO. 1

On page 1, line 2, between, “(g),” and “relative to” insert “and 147(C),”

AMENDMENT NO. 2

On page 1, line 9, change “and (g)” to “(g), and 147(C)”

AMENDMENT NO. 3

On page 2, line 17, after “by the” delete the remainder of the line and insert in lieu thereof the following: “indigent defender board or its designee”

AMENDMENT NO. 4

On page 2, line 18, delete “parish”

AMENDMENT NO. 5

On page 3, line 1, change “his” to “this”

AMENDMENT NO. 6

On page 3, below line 3, add the following:

“C. Nothing in this Chapter shall prevent a criminal defendant from obtaining representation through the indigent defender board at no charge.”

On motion of Senator Dardenne, the amendments were adopted.

Under the provisions of Joint Rule No. 5, the bill, which is a duplicate of Senate Bill No. 820, was read by title and referred to the Legislative Bureau.

**House Bills and Joint Resolutions
on Second Reading to be Referred**

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

HOUSE BILL NO. 134—

BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 49:968(B)(12), relative to administrative procedure; to require rules promulgated by the office of the state fire marshal, code enforcement and building safety, to be submitted to the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection and International Affairs; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Commerce, Consumer Protection and Internal Affairs.

HOUSE BILL NO. 221—

BY REPRESENTATIVE FARRAR
AN ACT

To enact Code of Criminal Procedure Article 885.1, relative to criminal penalties; to provide relative to the suspension of a driver's license for failing to pay fines assessed as a criminal penalty within a certain period of time; to provide for the issuance of a temporary permit; to provide for notice; to provide for the duration of the suspension; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 367—

BY REPRESENTATIVE R. CARTER
AN ACT

To amend and reenact R.S. 22:658(A)(4) and (B)(1), relative to insurance claims; to provide for penalties for failure to make a written offer to settle to third-party claimants; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Insurance.

HOUSE BILL NO. 404—

BY REPRESENTATIVES HUDSON, CURTIS, LAFLEUR, MORRELL, NEVERS, JACK SMITH, TRICHE, WELCH, WINSTON, BRUCE, ROMERO, AND SNEED

AN ACT

To enact R.S. 14:79.2 and R.S. 46:2143, relative to domestic abuse assistance; to authorize the use of electronic monitoring equipment in certain domestic violence cases; to require the court to specify the terms of electronic monitoring; to provide for minimum requirements of electronic monitoring; to create the crime of tampering with electronic monitoring equipment; to provide for criminal penalties; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 439—

BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact R.S. 17:3048.1(A)(1)(c)(iii), relative to the Tuition Opportunity Program for Students Performance Award; to provide eligibility requirements for an initial award; to provide conditions and limitations; to provide for effectiveness; to provide for an effective date; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Education.

HOUSE BILL NO. 494—

BY REPRESENTATIVE JOHNS
AN ACT

To amend and reenact Code of Criminal Procedure Article 671(A)(3) and (B) and to enact Code of Criminal Procedure Article 671(C), relative to recusation of judges; to provide relative to grounds for recusation of a judge involving association with another attorney; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 549—

BY REPRESENTATIVE FUTRELL
AN ACT

To amend and reenact R.S. 17:3048.1(A)(1)(b)(i), relative to the Tuition Opportunity Program for Students Opportunity Award; to provide eligibility requirements, including minimum scores on certain tests; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Education.

HOUSE BILL NO. 665—

BY REPRESENTATIVE DOERGE
AN ACT

To amend and reenact R.S. 17:3048.1(A)(1)(a)(iii) and to enact R.S. 17:3048.1(C)(4), relative to residency requirements for participation by dependent students in the Tuition Opportunity Program for Students; to provide that such students who meet

specified guidelines shall be residents for award eligibility purposes; to provide for effectiveness; to provide an effective date; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Education.

HOUSE BILL NO. 688—

BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 37:3286(A)(1)(d) and (e), (2)(a) and (b), and (3)(b), (c), (e), and (f) and to enact R.S. 37:3286(A)(3)(j) and (k), relative to fees assessed by the Louisiana State Board of Private Security Examiners; to provide for fees for baton instruction; to increase certain fees; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Commerce, Consumer Protection and Internal Affairs.

HOUSE BILL NO. 720—

BY REPRESENTATIVE HILL
AN ACT

To amend and reenact Children's Code Article 791.1, relative to the truancy and assessment and service center pilot program; to authorize the creation of a truancy and assessment and service center in the parish of Allen; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary B.

HOUSE BILL NO. 939—

BY REPRESENTATIVES BRUCE, HOPKINS, L. JACKSON, AND MONTGOMERY AND SENATOR BEAN
AN ACT

To enact R.S. 9:2796.2, relative to civil liability; to provide for the limitation of liability for activities sponsored by a nonprofit organization which operates an animal sanctuary; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 980—

BY REPRESENTATIVES SNEED AND LANCASTER
AN ACT

To amend and reenact R.S. 49:968(C)(1), relative to the Administrative Procedure Act; to require that the copy of a rule as it is proposed for adoption, amendment, or repeal provided to the appropriate legislative oversight committee be in a certain form; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

HOUSE BILL NO. 1049—

BY REPRESENTATIVE WELCH
AN ACT

To repeal R.S. 37:2810(C)(3), relative to the licensing of chiropractors; to repeal the time limitations placed on an inactive license status.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Health and Welfare.

HOUSE BILL NO. 1851—

BY REPRESENTATIVES DEVILLIER, FARRAR, AND BRUCE
AN ACT

To amend and reenact R.S. 40:1563.1(C) and to enact R.S. 40:1563.1(D), relative to local arson investigators; to provide for training, certification, and qualification; to clarify their powers and duties; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary B.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

ENVIRONMENTAL QUALITY

Senator Cain, Chairman on behalf of the Committee on Environmental Quality, submitted the following report:

May 20, 2003

To the President and Members of the Senate:

I am directed by your Committee on Environmental Quality to submit the following report:

HOUSE CONCURRENT RESOLUTION NO. 83—
BY REPRESENTATIVE HUDSON

A CONCURRENT RESOLUTION

To urge and request the Department of Environmental Quality to review any permits issued to the Lafayette Utility System to operate a land farm for sewerage sludge in St. Landry Parish, review the process by which such permits are issued to insure local participation, and take appropriate action for deficiencies.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 115—
BY REPRESENTATIVE STRAIN

A CONCURRENT RESOLUTION

To urge and request the United States Environmental Protection Agency and the United States Army Corps of Engineers to revise their regulatory authority in light of the United States Supreme Court decision in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 531 U.S. 159 (2001) (SWANCC).

Reported favorably.

HOUSE BILL NO. 175—
BY REPRESENTATIVES BRUNEAU AND KATZ

AN ACT

To amend and reenact R.S. 40:31.33(A), relative to safe drinking water; to change the method of assessment of the safe drinking water administration fee; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1170—
BY REPRESENTATIVE DAMICO

AN ACT

To amend and reenact R.S. 30:2158(A)(2)(b) and 2226(H)(1), relative to contamination of groundwater through migration; to provide for prevention of migration from sanitary landfills; to provide for prevention of migration at certain hazardous waste sites; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1845—
BY REPRESENTATIVES DAMICO, PERKINS, PEYCHAUD, JANE SMITH, AND WADDELL

AN ACT

To amend and reenact R.S. 30:2418(H)(introductory paragraph) and (3) and to enact R.S. 36:104(B)(8), relative to waste tires; to provide for agreements between the Departments of Environmental Quality and Economic Development; to provide

for use of the Waste Tire Management Fund; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
JAMES DAVID CAIN
Chairman

**Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees**

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

SENATE BILL NO. 8—
BY SENATOR GAUTREAUX
AN ACT

To enact R.S. 13:2150, relative to the city court of Morgan City; to provide for costs in criminal matters; to provide for disposition and use of fees assessed in criminal matters in the Morgan City Court; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 8 by Senator Gautreaux

AMENDMENT NO. 1

On page 1, line 12, after "city judge" and before "may", insert "of the city of Morgan City"

On motion of Senator Dardenne, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 89—
BY SENATOR MCPHERSON
AN ACT

To enact R.S. 39:199(G), relative to information technology; to provide for a set-aside program for the acquisition of data processing equipment and software in favor of small businesses; to provide for the establishment of procedures; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 89 by Senator McPherson

AMENDMENT NO. 1

On page 1, at the beginning of line 3, delete "set-aside"

AMENDMENT NO. 2

On page 1, line 4, change "in favor of small businesses;" to "that allows small businesses to participate;"

AMENDMENT NO. 3

On page 1, line 11, delete "Set-aside."

AMENDMENT NO. 4

On page 1, line 12, change "and set aside" to "a goal"

AMENDMENT NO. 5

On page 1, line 13, change "an amount not to exceed ten percent of the value" to "a portion"

AMENDMENT NO. 6

On page 1, line 15, change "shall" to "may"

AMENDMENT NO. 7

On page 2, line 3, change "set aside" to "goals for small businesses"

AMENDMENT NO. 8

On page 2, line 6, change "set aside" to "a goal"

AMENDMENT NO. 9

On page 2, line 7, change "set aside" to "establish a goal"

AMENDMENT NO. 10

On page 2, line 13, change "set aside program" to "goals"

AMENDMENT NO. 11

On page 2, line 17, change "set-" to "goal" and on line 15, delete "aside"

AMENDMENT NO. 12

On page 2, lines 22, change "set aside" to "goal"

AMENDMENT NO. 13

On page 2, lines 26, change "set aside" to "a goal"

On motion of Senator Dardenne, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 105—
BY SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 13:10.3(C) and (E), relative to the Judges' Supplemental Compensation Fund; to provide for an increase in the nonrefundable civil filing fee; and to provide for related matters.

Reported favorably by the Committee on Finance. The bill was read by title, ordered engrossed, and recommitted to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 283—
BY SENATOR BOISSIERE

AN ACT

To enact R.S. 11:1313(B)(3), relative to the Louisiana State Police Pension and Retirement System; to authorize an increase in disability benefits for certain catastrophic injuries sustained in the performance of official duties; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 283 by Senator Boissiere

AMENDMENT NO. 1

On page 1, line 2, delete "Louisiana"

On motion of Senator Boissiere, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 425—
BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11:447, 448, 449, 450 and 451, and to enact R.S. 11:451.1, 451.2, 451.3 and 451.4, relative to the Louisiana State Employees' Retirement System; to provide for self-directed investment funds in the Deferred Retirement Option Plan and to alter other provisions of the plan to be

compatible with the changes in the plan; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 425 by Senator Boissiere

AMENDMENT NO. 1

On page 6, line 1, change "R.S. 11:453" to "R.S. 11:451.1"

AMENDMENT NO. 2

On page 7, line 23, change "R.S. 11:454" to "R.S. 11:451.2"

AMENDMENT NO. 3

On page 9, delete lines 9 and 10 and insert in lieu thereof "(5) At a minimum, one short-term fixed income option."

AMENDMENT NO. 4

On page 9, between lines 10 and 11, insert "(6) At least one of the fund providers shall maintain an office in the state of Louisiana"

On motion of Senator Boissiere, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and recommitted to the Committee on Finance.

SENATE BILL NO. 817—
BY SENATOR FIELDS

AN ACT

To enact Chapter 1-C of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:61, relative to the use of certain court costs to fund drug rehabilitation services; to provide for the assessment and distribution of additional costs collected; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Engrossed Senate Bill No. 817 by Senator Fields

AMENDMENT NO. 1

On page 1, delete line 5 and insert in lieu thereof the following:
"distribution of additional costs collected; to provide for the deposit of certain monies into the Drug Rehabilitation Fund; to provide for the uses of monies in the fund; to provide for an effective date; and to provide for related"

AMENDMENT NO. 2

On page 2, delete lines 19 through 22 and insert in lieu thereof the following:

"Section shall be credited to a special fund hereby created in the state treasury to be known as the "Drug Rehabilitation Fund". After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, an amount equal to that deposited as required in this Paragraph shall be deposited into the fund. The monies in this fund shall be distributed by the Louisiana Supreme Court among those judicial districts without drug courts to be used solely to fund drug treatment and rehabilitation programs, and only in the amounts appropriated by the legislature. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund. The monies in this fund shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to this fund, again following compliance with the requirement of Article

VII, Section 9(B), relative to the Bond Security and Redemption Fund. The"

AMENDMENT NO. 3

On page 2, after line 26, insert the following:

"Section 2. This Act shall become effective on July 1, 2003; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2003, or on the day following such approval by the legislature, whichever is later."

On motion of Senator Dardenne, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and recommitted to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 996—

BY SENATOR HAINKEL

AN ACT

To amend and reenact R.S. 11:62(5)(b) and 444(A)(2), and to enact R.S. 11:441(D)(5) and Subpart C-1 of Part VII of Chapter 1 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:611 through 616, relative to the Louisiana State Employees' Retirement System; to provide with respect to the employee contribution rate, and retirement eligibility criteria and benefits for public safety services employees; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 996 by Senator Hainkel

AMENDMENT NO. 1

On page 1, lines 1 and 2, delete "R.S. 11:441(D)(5) and"

AMENDMENT NO. 2

On page 1, line 5, change "616" to "612"

AMENDMENT NO. 3

On page 1, at the end of line 7, add "certain"

AMENDMENT NO. 4

On page 2, delete lines 20 through 26, and insert the following:

"upon retirement, shall receive an annual retirement allowance equal to two and one-half percent of his average final compensation multiplied by his total years of creditable service which are served prior to and through June 30, 2003 and three and one-half percent of his average final compensation multiplied by his total years of creditable service which are served after June 30, 2003. However,"

AMENDMENT NO. 5

On page 3, line 3, delete "R.S. 11:441(D)(5) and" and on line 5, change "616, are" to "612, is"

AMENDMENT NO. 6

On page 3, delete lines 6 through 20.

AMENDMENT NO. 7

On page 4, line 6, after "mean" delete the remainder of the line, delete lines 7 through 20, and insert "state levee district police officers and port commission police officers"

AMENDMENT NO. 8

On page 4, line 13, after "System" insert a period ".", delete the remainder of the line and delete lines 14 through 20.

AMENDMENT NO. 9

On page 4, at the end line 26, between "System" and the period "." insert ", provided membership is approved by resolution adopted by

the governing authority of the employing entity and a copy is submitted to the system"

AMENDMENT NO. 10

On page 4, delete line 27, and delete pages 5 and 6 in their entirety.

On motion of Senator Boissiere, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and recommitted to the Committee on Finance.

SENATE BILL NO. 998—

BY SENATOR HOYT

AN ACT

To amend and reenact R.S. 11:416(A)(3), relative to the Louisiana State Employees' Retirement System; to provide for the reemployment of retirees; to provide for the benefits paid to such retirees; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 998 by Senator Hoyt

AMENDMENT NO. 1

On page 3, line 7, after "account," insert "has been retired for at least one year,"

AMENDMENT NO. 2

On page 3, line 11, after "reemployment." insert "Any employee who becomes reemployed pursuant to this Subparagraph shall not have his retirement allowance increased by an amount attributable to his service and average compensation since reemployment."

AMENDMENT NO. 3

On page 3, line 13, after "effective" delete the remainder of the line and insert "July 1, 2002."

AMENDMENT NO. 4

On page 3, delete lines 14 through 18.

On motion of Senator Boissiere, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 1025—

BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 39:99.12(A), relative to the sale of tobacco assets; to provide for the sale of certain assets; and to provide for related matters.

Reported favorably by the Committee on Finance. On motion of Senator Dardenne, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 1051—

BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 27:93(A)(2)(introductory paragraph) and (a), (7)(e), and (8), to enact R.S. 27:93(A)(9), and to repeal R.S. 27:93(A)(2)(e), (f), and (i), relative to the Louisiana Gaming Control Law; to provide with respect to the Louisiana Riverboat Economic Development and Gaming Control Act; to provide for admission fees for riverboats; to provide for allocation of funds derived from riverboat boarding fees on certain riverboats in Bossier Parish; to provide for the levying of boarding fees in Bossier Parish in certain cases; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 1051 by Senator Adley

AMENDMENT NO. 1

On page 1, line 2, after "amend and reenact" delete the remainder of the line and line 3 and insert in lieu thereof

"R.S. 27:93(A)(1), (2)(introductory paragraph) and (a), (7)(a)(b)(c)(d) and (e), (8)(a)(b)(c)(d) and (e), and 93(B), to enact R.S. 27:93(A)(7)(f) and (9), and to repeal R.S. 27:93(A)(2)(e), (f), and (i),"

AMENDMENT NO. 2

On page 1, at the beginning of line 4, delete "27:93(A)(2)(e), (f), and (i),"

AMENDMENT NO. 3

On page 1, between lines 10 and 11, insert "Notice of intention to introduce this Act has been published."

AMENDMENT NO. 4

On page 1, line 12, after "Section 1." delete the remainder of the line and lines 13 and 14 and insert in lieu thereof the following:

"R.S. 27:93(A)(1), (2)(introductory paragraph) and (a), (7)(a)(b)(c)(d) and (e), (8)(a)(b)(c)(d) and (e), and (B) are hereby amended and reenacted and R.S. 27:93(A)(7)(f) and (9) are hereby enacted to read as follows:"

AMENDMENT NO. 5

On page 2, line 2, after "A.(1)" delete " * * *" and insert in lieu thereof the following:

"Except as otherwise provided herein, The the local governing authority of the parish or municipality in which the licensed berth of a riverboat is located may levy an admission fee of up to two and one-half dollars for each passenger boarding or embarking upon a riverboat; provided that in Bossier Parish and Caddo Parish an admission fee of up to three dollars may be levied: and provided that for riverboats located in Bossier City, Bossier Parish, an assessment shall be levied by the city of Bossier City in the amount of four and seven tenths percent of the net monthly gaming revenues as defined in R.S. 27:44(15) as the admission fee; and provided that for riverboats located outside the city limits of Bossier City, but located either partially or entirely in the Parish of Bossier, regardless of the location of the licensed berth, the Bossier Parish Police Jury shall levy an assessment in the amount of one and seventh tenths percent of the net monthly gaming revenues as defined in R.S. 27:44(15), as an admission fee. For purposes of this Section, "licensed berth" shall mean the berth, dock, facility, or boarding area from which a riverboat excursion is authorized to originate by the commission or from which a riverboat is authorized by the commission to operate.

AMENDMENT NO. 6

On page 2, delete lines 3 through 8 and insert in lieu thereof:

"(2) Except as otherwise provided herein, Funds funds derived from the admission fee or the assessment of a percentage of net monthly gaming revenues which the local governing authority of the parishes of Caddo and Bossier or the municipalities of Shreveport and Bossier City may levy for each passenger or assess as a percentage of net monthly gaming revenue as an admission fee, in accordance with Paragraph (1) of this Subsection, when the riverboat is licensed to operate within their jurisdiction, shall be allocated as follows:"

AMENDMENT NO. 7

On page 2, delete lines 14 through 27 and insert in lieu thereof:

"(7) The admission fee which the governing authority of Bossier City may levy for all riverboats within the city of Bossier City, located in Bossier Parish, shall be four and seventh tenths

percent of the monthly net gaming revenues from each riverboat as authorized by Paragraph (1) of this Subsection. In Bossier Parish, if the local governing authority levies an additional admission fee, or the equivalent, as authorized by Paragraph (1) of this Subsection on riverboats initially licensed for operation after January 1, 1997, the The funds derived from the three-dollar boarding fee, or the equivalent, assessment of a percentage of the net monthly gaming revenues shall be allocated as follows:

(a) ~~Two dollars~~ **Three percent of the monthly net gaming revenues** to the city of Bossier City.

(b) ~~Fifty cents~~ **Sixty-six hundredths percent of the monthly net gaming revenues** to the parish road fund for four-laning Airline Drive, **and after this project has been completed the funds derived from this fee shall be used for general use by the parish road fund.**

(c) ~~Twenty-five cents~~ **Fifty-nine hundredths percent of the monthly net gaming revenues** to the Bossier Educational Excellence Fund, as provided for in R.S. 17:408.2.

(d) ~~Twenty cents~~ **Twenty-five hundredths percent of the monthly net gaming revenues** to the ~~Bossier Parish~~ sheriff's office.

(e) ~~Five cents~~ **Five hundredths percent of the monthly net gaming revenues** to the Johnny Gray Jones Youth Shelter and ~~Bossier Parish Juvenile Detention Center operations.~~

R.S. 27:93(A)(7)(f) is all proposed new law.

(f) ~~Fifteen-hundredths percent of the monthly net gaming revenues to the Greater Bossier Economic Development Foundation."~~

AMENDMENT NO. 7

On page 3, delete lines 1 through 9

AMENDMENT NO. 8

On page 3, line 10, change "~~(8)(9)~~" to "(8)"

AMENDMENT NO. 9

On page 3, between lines 17 and 18, insert the following:

B. Other than to levy the admission fee **or assess a percentage of net monthly gaming revenues as** authorized by Subsection A of this Section, no local governing authority may license or regulate the operation of riverboats and the gaming operations conducted thereon."

AMENDMENT NO. 10

On page 3, line 22, after "contract" and before "which" insert "previously executed by the city of Bossier City and/or the Bossier Parish Police Jury"

On motion of Senator Cravins, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 1076—

BY SENATOR BOISSIERE

AN ACT

To enact R.S. 11:263(F), 266.1 and 268, relative to Louisiana state and statewide public retirement or pension systems, funds, and plans; to require asset management companies that provide services to Louisiana state and statewide public retirement or pension systems, funds, or plans to have a physical place of business within this state; to authorize the investment of the assets of the systems, funds, and plans in small and emerging businesses, small business investment companies, and venture capital firms located within and outside of this state; to require Louisiana state and statewide public retirement or pension systems, funds, or plans to direct at least thirty percent of all investment trades through Louisiana incorporated and domiciled broker-dealers; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 1076 by Senator Boissiere

AMENDMENT NO. 1

On page 1, line 2 after "Louisiana state" delete "and"

AMENDMENT NO. 2

On page 1, line 2 at the beginning of the line, delete "statewide" and change "systems, funds, and plans;" to "system, fund, and plan"

AMENDMENT NO. 3

On page 1, line 5 after "state" delete " and statewide" and change "systems, funds," to "system, fund,"

AMENDMENT NO. 4

On page 1, line 6 at the beginning of the line, change "plans" to "plan"

AMENDMENT NO. 5

On page 1, line 7 change "systems, funds, and plans" to "system, fund, and plan"

AMENDMENT NO. 6

On page 1, line 10 after "Louisiana state" delete "and statewide" and at the end of the line change "systems" to "system"

AMENDMENT NO. 7

On page 1, line 11 change "funds, or plans" to "fund, or plan" and change "thirty" to "ten"

AMENDMENT NO. 8

On page 1, delete line 12 in its entirety and insert "through a broker-dealer who maintains an office in Louisiana and ten percent through a broker-dealer who has been incorporated and domiciled in Louisiana for at least two years; to"

AMENDMENT NO. 9

On page 2, line 12, delete "(National Association of Securities" and delete line 13 in its entirety

AMENDMENT NO. 10

On page 2, line 16, after "Louisiana state" delete "and statewide" and change "systems," to "system," and line 17, change "plans, or funds." to "plan, or fund."

AMENDMENT NO. 11

On page 2, line 18, after "state" delete "and statewide"

AMENDMENT NO. 12

On page 2, line 19, change "thirty" to "ten" and after "all" insert "listed"

AMENDMENT NO. 13

On page 2, line 20, between "managed" and "account" insert "and fixed income" and between "through " and "Louisiana" insert "a broker-dealer who maintains an office in"

AMENDMENT NO. 14

On page 2, line 21, delete "incorporated and domiciled broker-dealers," and insert " and ten percent through a broker-dealer who has been incorporated and domiciled in Louisiana for at least two years," and after "who" change "are" to "is"

AMENDMENT NO. 15

On page 3, line 6, change "A." to "B."

AMENDMENT NO. 16

On page 3, line 7, after "Louisiana state" delete "and statewide"

AMENDMENT NO. 17

On page 3, line 8, change "systems, funds, or plans" to "system, fund, or plan"

AMENDMENT NO. 18

On page 3, line 12, change "2003" to "2005"

AMENDMENT NO. 19

On page 3, line 13, change "B." to "A." and after "legislature that the" insert "state"

AMENDMENT NO. 20

On page 3, line 13, delete "in the interest" and insert "the intent"

AMENDMENT NO. 21

On page 3, move lines 13 through 17 between lines 5 and 6

AMENDMENT NO. 22

On page 3, line 22, after "pursuant to" insert "Subsection B, C, and E of"

AMENDMENT NO. 23

On page 3, lines 14, 19, and 26, change "systems, funds, and plans" to "system, fund, and plan"

AMENDMENT NO. 24

On page 5, between lines 3 and 4 insert the following:

"Section 2. Pursuant to the provisions of R.S. 11:268, the governing authorities of the state public retirement or pension systems, funds, and plans are directed to prepare a policy to be presented to the Senate Retirement Committee on or before December 31, 2003, wherein the system, fund or plan shall propose how it intends to invest in small and emerging businesses as defined in R.S. 51:941(3), venture capital firms, and in-state money management firms which are either incorporated in the state or maintains an office in the state of Louisiana, however, the entity must have at least fifty percent of its assets in Louisiana or at least fifty percent of its employees employed in the state of Louisiana. The policy shall also include how the system, fund and plan intend to use out-of-state emerging businesses, money managers and venture capital firms."

AMENDMENT NO. 25

On page 5, line 4, change "Section 2." to "Section 3."

On motion of Senator Boissiere, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and recommitted to the Committee on Finance.

SENATE BILL NO. 1087—

BY SENATOR CRAVINS

AN ACT

To enact R.S. 13:2080.1(C), relative to city courts; to provide with respect to the operating expenses of certain marshals; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. On motion of Senator Cravins, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 1109—

BY SENATOR BOISSIERE

AN ACT

To repeal R.S. 11:3843, relative to the New Orleans Employees' Retirement System; to repeal the provision which excludes simultaneous membership in more than one public retirement system; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. On motion of Senator Boissiere, the bill was read by title, ordered engrossed, and passed to a third reading.

Rules Suspended

Senator Smith asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 1078 from the Committee on Labor and Industrial Relations.

SENATE BILL NO. 1078—

BY SENATORS SMITH AND MCPHERSON
AN ACT

To amend and reenact R.S. 23:1195(A)(1), relative to workers' compensation; to authorize public entities to join certain group self-insurance funds; and to provide for related matters.

On motion of Senator Smith, the bill was read by title and withdrawn from the files of the Senate.

Rules Suspended

Senator Schedler asked for and obtained a suspension of the rules for the purpose of recalling House Bill No. 772 from the Committee on Commerce, Consumer Protection and International Affairs.

HOUSE BILL NO. 772—

BY REPRESENTATIVES LEBLANC, FRITH, MONTGOMERY, NEVERS,
AND THOMPSON
AN ACT

To amend and reenact R.S. 43:111(A)(9) and R.S. 51:1319(A)(2) and (B)(5) and to enact R.S. 43:111(A)(10) and R.S. 51:1319(B)(6), relative to authorization for advertising within the Louisiana Retirement Development Commission; to provide relative to authorization for the commission to develop guidelines to award a "Livable Louisiana Retirement Ready Community" seal of approval; to provide relative to authorization for the commission to purchase, print, and distribute advertisements, informational publications, and other promotional materials to promote Louisiana as a retirement state; and to provide for related matters.

Under the provisions of Joint Rule No. 5, the bill, which is a duplicate of Senate Bill No. 483, was read by title and referred to the Legislative Bureau.

Rules Suspended

Senator Heitmeier asked for and obtained a suspension of the rules for the purpose of recalling House Bill No. 610 from the Committee on Natural Resources.

HOUSE BILL NO. 610—

BY REPRESENTATIVE DIEZ
AN ACT

To authorize and provide for the transfer or lease of certain state property in Winn Parish to the Department of Social Services, office of family support, from the Department of Transportation and Development; and to provide for related matters.

Floor Amendments Sent Up

Senator Heitmeier sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Conforming Amendments proposed by Senator Heitmeier to Engrossed House Bill No. 610 by Representative Diez (Duplicate of Senate Bill No. 657)

AMENDMENT NO. 1

On page 1, line 2, delete "or lease"

AMENDMENT NO. 2

On page 1, line 8, after "Development," delete the remainder of the line and delete lines 9 through 12 in their entirety and insert in lieu thereof the following: "is hereby authorized, for and on behalf of the state of Louisiana, to convey, transfer, assign, and deliver all right, title, and interest the state may have in a certain parcel of land, located in Winn Parish to the office of family support in the Department of Social Services, said property and all of the improvements situate wholly or partially thereon, and all of the rights, ways, servitudes, privileges, and advantages thereunto belonging or in anywise appertaining, designated as Parcel No. UR 13-7 of State Project NO. 023-04-0021, State Route in Winnfield, Winn Parish, said property being the remainder property the Department of Transportation and Development purchased from John L. Luffey, Sr., et al on State Project No. 023-04-0021 and more particularly described as;"

AMENDMENT NO. 3

On page 2, delete lines 7 through 9 in their entirety and insert in lieu thereof the following: "proceed S89°35'42"W a distance of 39.623 meters to the point of beginning. All of which comprises Parcel 13-7 as shown on Sheet 13 of the Right of Way Plans of State Project No. 023-04-0021, and contains an area of 351.14 square meters or 0.0351 hectares or 3779.6 square feet or 0.087 acres."

AMENDMENT NO. 4

On page 2, line 13, between "UR 13-7" and "and being" insert the following: "(which is not so identified on the Right of Way Plans)"

AMENDMENT NO. 5

On page 3, line 6, delete "to"

AMENDMENT NO. 6

On page 3, line 17, after "Development," delete the remainder of the line and delete lines 18 through 24 in their entirety and insert in lieu thereof the following:

"and the secretary of the Department of Social Services acting for the office of family support on behalf of the state of Louisiana, are hereby authorized to execute such documents and to perform such other acts as are necessary to properly effectuate any conveyance, transfer, assignment, and delivery of title to the property described herein, in accordance with law, to the office of family support in the Department of Social Services."

On motion of Senator Heitmeier, the amendments were adopted.

Under the provisions of Joint Rule No. 5, the amended bill, which is a duplicate of Senate Bill No. 657, was read by title and referred to the Legislative Bureau.

Senator Ellington in the Chair**Reconsideration**

On motion of Senator Dean, pursuant to the previous notice given, the vote by which the following bill failed to pass on Monday, May 19, 2003 was reconsidered.

SENATE BILL NO. 1001—

BY SENATOR DEAN

AN ACT

To amend and reenact R.S. 43:31(A)(1) and (2), relative to printed matter prohibitions and uniform standards; to provide a set paper size for the printing of certain printed matter by state agencies; and to provide for related matters.

The bill was read by title. Senator Dean moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Dardenne	Jones, CD
Bajoie	Dean	Romero
Barham	Ellington	Tarver
Boissiere	Fontenot	Thomas
Cain	Irons	
Chaisson	Jones, B	
Total—16		

NAYS

Dupre	Hoyt	Smith
Heitmeier	Lentini	Theunissen
Hines	Malone	Ullo
Hollis	Michot	
Total—11		

ABSENT

Mr. President	Gautreaux	Marionneaux
Bean	Holden	McPherson
Cravins	Johnson	Mount
Fields	Lambert	Schedler
Total—12		

The Chair declared the bill failed to pass. Senator Lambert moved to reconsider the vote by which the bill failed to pass and laid the motion on the table.

Reconsideration

On motion of Senator Smith, pursuant to the previous notice given, the vote by which the following bill failed to pass on Monday, May 19, 2003 was reconsidered.

HOUSE BILL NO. 1402—

BY REPRESENTATIVES THOMPSON, HILL, LAFLEUR, MORRISH, BAUDOUIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, JACK SMITH, AND STRAIN

AN ACT

To amend and reenact R.S. 3:3806(A)(2), (B), (C), (D), and (G), relative to horticulture fees; to increase certain horticulture fees; to create the Horticulture Commission Fund; and to provide for related matters.

The bill was read by title. Senator Smith moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Heitmeier	McPherson
Bajoie	Hines	Mount
Barham	Holden	Schedler
Boissiere	Hollis	Smith
Chaisson	Hoyt	Tarver
Dean	Irons	Theunissen
Dupre	Jones, B	Thomas
Ellington	Jones, CD	Ullo
Fontenot	Lambert	
Gautreaux	Marionneaux	
Total—28		

NAYS

Cain	Lentini
------	---------

Dardenne
Total—4

Malone

ABSENT

Mr. President	Fields	Romero
Bean	Johnson	
Cravins	Michot	
Total—7		

The Chair declared the bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Special Order of the Day

The following House Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 1, was taken up and acted upon as follows:

HOUSE BILL NO. 424—

BY REPRESENTATIVES PITRE AND WALSWORTH
A JOINT RESOLUTION

Proposing to amend Article I, Section 4 of the Constitution of Louisiana, to authorize the legislature to place limitations on the extent of recovery for the taking of, or loss or damage to, property rights affected by coastal wetlands conservation, management, preservation, enhancement, creation, or restoration activities; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Floor Amendments Sent Up

Senator Chaisson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Senate Floor Amendments proposed by Senator Chaisson to Engrossed House Bill No. 424 by Representatives Pitre and Walsworth

AMENDMENT NO. 1

On page 3, line 2, after "activities" insert "; provided, however, that no such legislation shall have retroactive application"

Senator Chaisson moved adoption of the amendments.

Senator Hainkel objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Hines	Lentini
Boissiere	Holden	Marionneaux
Chaisson	Irons	McPherson
Dupre	Johnson	
Fields	Jones, CD	
Total—13		

NAYS

Mr. President	Fontenot	Romero
Adley	Gautreaux	Schedler
Barham	Heitmeier	Smith
Cain	Hollis	Tarver
Dardenne	Jones, B	Theunissen
Dean	Malone	Thomas
Ellington	Mount	Ullo
Total—21		

ABSENT

Bean	Hoyt	Michot
Cravins	Lambert	
Total—5		

The Chair declared the amendments were rejected.

The bill was read by title. Senator Hainkel moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Mount
Adley	Gautreaux	Schedler
Barham	Heitmeier	Smith
Cain	Hollis	Theunissen
Dardenne	Hoyt	Thomas
Dean	Jones, B	Ulló
Dupre	Malone	
Ellington	Michot	
Total—22		

NAYS

Bajoie	Holden	Marionneaux
Boissiere	Irons	McPherson
Chaisson	Johnson	Tarver
Fields	Jones, CD	
Hines	Lentini	
Total—13		

ABSENT

Bean	Lambert
Cravins	Romero
Total—4	

The Chair declared the bill failed to pass.

Notice of Reconsideration

Senator Hainkel, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next succeeding legislative day of the Senate, he would move to reconsider the vote by which the bill failed to pass.

Special Order of the Day

The following House Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 2, was taken up and acted upon as follows:

HOUSE BILL NO. 531—

BY REPRESENTATIVES PITRE, JOHNS, AND WALSWORTH
AN ACT

To enact R.S. 49:213.9, relative to property rights; to limit recovery for property taken or affected by coastal restoration; and to provide for related matters.

On motion of Senator Hainkel, the bill was read by title and returned to the Calendar, subject to call.

Senate Concurrent Resolutions Returned from the House of Representatives with Amendments

The following Senate Concurrent Resolutions returned from the House of Representatives with amendments were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 49—

BY SENATOR HINES

A CONCURRENT RESOLUTION

To establish the Louisiana Diabetes Advisory Council as the entity that will provide statewide leadership to prevent diabetes, strive to continuously improve the lives of all Louisianians affected by diabetes mellitus, and reduce the burden of the disease.

The resolution was read by title. Returned from the House of Representatives with the following amendments:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Health and Welfare to Engrossed Senate Concurrent Resolution No. 49 by Senator Hines

AMENDMENT NO. 1

On page 3, between lines 2 and 3, insert the following:

"13. A representative of the Juvenile Diabetes Research Foundation.

14. A representative of the Louisiana Independent Pharmacy Association."

Senator Hines moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Schedler
Chaisson	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Johnson	Theunissen
Dupre	Jones, B	Thomas
Ellington	Jones, CD	Ulló
Fields	Lentini	
Total—35		

NAYS

Total—0

ABSENT

Bean	Lambert
Cravins	Romero
Total—4	

The Chair declared the amendments proposed by the House were concurred in. Senator Hines moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

Senate Bills and Joint Resolutions Returned from the House of Representatives with Amendments

The following Senate Bills and Joint Resolutions returned from the House of Representatives with amendments were taken up and acted upon as follows:

SENATE BILL NO. 381—
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 30:2011(A)(3) and (D)(23), 2074(A)(4) and (B)(8), 2080, 2081, 2083, and R.S. 40:2821(B)(4) and (5), 2822(1), 2824, 2825(A)(2)(c) and (f), 2826(A), (B), (D), (E), and (F), and to enact R.S. 36:254.1, relative to public health and safety; to provide for the transfer of authority from the Department of Environmental Quality to the Department of Health and Hospitals relative to the administering of the fund; to authorize the Department of Health and Hospitals to issue tax-exempt and/or taxable debt relative to the fund; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Environment to Reengrossed Senate Bill No. 381 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 9, change "and/or" to "or"

AMENDMENT NO. 2

On page 6, line 12, change "and/or" to "or"

Senator Schedler moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Gautreaux	Malone
Bajoie	Heitmeier	Marionneaux
Barham	Hines	McPherson
Boissiere	Holden	Michot
Cain	Hollis	Mount
Chaisson	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Jones, CD	Ullo
Fields	Lambert	
Fontenot	Lentini	
Total—34		

NAYS

Total—0

ABSENT

Mr. President	Cravins	Thomas
Bean	Romero	
Total—5		

The Chair declared the amendments proposed by the House were concurred in. Senator Schedler moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 475—
BY SENATOR THOMAS

AN ACT

To enact R.S. 36:509(S) and Part XXVI of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.191 through 3087.205, to create the Washington Parish Reservoir District as a political subdivision and state agency; to

provide for a board of commissioners to manage the reservoir district; to provide for the powers and duties of the district including the power to levy taxes and issue bonds to prohibit certain actions and to provide penalties; to provide relative to the district's relationship with the Department of Transportation and Development and the Louisiana Wildlife and Fisheries Commission; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE FLOOR AMENDMENTS

Conforming Amendments proposed by Representative Nevers to Engrossed Senate Bill No. 475 by Senator Thomas (Duplicate of H.B. No. 216)

AMENDMENT NO. 1

On page 3, between lines 10 and 11, insert the following:

"C. Any land initially acquired by the district but not developed by the district shall be returned to the prior property owner upon reimbursement of the district's appraised value as determined by the board of commissioners."

AMENDMENT NO. 2

On page 11, at the end of line 7, insert "Building restrictions for private landowners within the district will not be more strict than guidelines used by the district."

AMENDMENT NO. 3

On page 11, line 10, after "fishing," delete "and" and after "trapping," delete the remainder of the line and on line 11, delete "commercial fishing and trapping."

AMENDMENT NO. 4

On page 15, line 26, delete the colon ":" after "authority"

AMENDMENT NO. 5

On page 16, line 1, after "lake" delete the semicolon ";" and delete the remainder of the line and delete lines 2 and 3 in their entirety and insert a period ".".

Senator Thomas moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Gautreaux	Malone
Bajoie	Heitmeier	Marionneaux
Barham	Hines	McPherson
Boissiere	Holden	Michot
Cain	Hollis	Mount
Chaisson	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Johnson	Theunissen
Dupre	Jones, B	Thomas
Ellington	Jones, CD	Ullo
Fields	Lambert	
Fontenot	Lentini	
Total—34		

NAYS

Total—0

ABSENT

Mr. President	Cravins	Schedler
Bean	Romero	

Total—5

The Chair declared the amendments proposed by the House were concurred in. Senator Thomas moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 551—

BY SENATORS B. JONES AND HOYT AND REPRESENTATIVE LANDRIEU

AN ACT

To amend and reenact R.S. 36:459(A), R.S. 47:301(2), (3)(b), introductory paragraph of (4), (4)(a), (b), (c), (h), (j), and (l), (8)(b), (10)(a)(i), (ii), and (vi), (b), (c), and (l), (14)(g)(i) and (i)(i), (15), (16)(d)(i) and (i), (h)(i), (ii), (iii), and (iv), and (i),(18)(a)(i), and (19), 302(D), 305(A), (B), (C), the introductory paragraph of (D)(1), (D)(1)(j), (k), (l), (m), (n), (o), (p), (q), (r), (s), and (u), (2), (3), and (4), (E), (F), (G), and (H), 305.1(A) and (B), 305.3, 305.6, 305.7, 305.8, 305.13, 305.14(A)(1), 305.19, 305.26, 305.31(B), 305.36(A), 305.39, the introductory paragraph of 305.40(A), 305.42, and 305.48, to enact R.S. 47:301(25), (26), and (27), and Chapter 2D of Subtitle II of Title 47 of the Louisiana Revised Statutes to be comprised of R.S. 47:337.1 through 337.87, and R.S. 36:459(H), and to repeal R.S. 33:2713.1, 2716(A), 2716.1, 2716.2, 2717, 2718, 2718.1, 2718.2, 2718.3, 2718.4, 2718.5, 2719, 2720, 2720.1, 2737(G), 2741.1, 2844, 2844.1, 2844.2, 2845, 2845.1, 2846, and 2847, and R.S. 47:1515, relative to the sales and use tax of political subdivisions; to enact a uniform local sales tax code; to provide for the levy, collection, enforcement, and administration of local sales and use taxes; to provide for certain civil and criminal penalties; to provide for construction and interpretation of the code; to prohibit the state from assuming collection of local sales and use taxes; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed Senate Bill No. 551 by Senator B. Jones

AMENDMENT NO. 1

On page 1, line 4, following "16(d)(i)" and before the comma "," delete "and (i)"

AMENDMENT NO. 2

On page 1, line 5, following "and (i)," and before ", 302(D)" change "(18)(a)(i), and (19)" to "and (18)(a)(i)"

AMENDMENT NO. 3

On page 1, line 5, following "(iv), and" and before "(i)" insert "the introductory paragraph of"

AMENDMENT NO. 4

On page 2, line 11, following "16(d)(i)" and before the comma "," delete "and (i)"

AMENDMENT NO. 5

On page 2, line 11, following "(iv), and" and before "(i)" insert "the introductory paragraph of"

AMENDMENT NO. 6

On page 2, line 12, before "302(D)" change "(18)(a)(i), and (19)" to "and (18)(a)(i)"

AMENDMENT NO. 7

On page 5, line 9, following "(l)" and before "person" change "The term "dealer" shall include every" to "Every"

AMENDMENT NO. 8

On page 7, line 1, following "12" and before "of" insert "of Subtitle II"

AMENDMENT NO. 9

On page 11, delete lines 24 through 26, and on page 12, delete lines 1 through 11

AMENDMENT NO. 10

On page 12, line 18, following "of this" and before the comma "," change "Title" to "Subtitle"

AMENDMENT NO. 11

On page 13, line 2, following "of this" and before "and" change "Title" to "Subtitle"

AMENDMENT NO. 12

On page 17, delete line 7

AMENDMENT NO. 13

On page 17, line 15, following "or" and before the period "." change "dentists" to "dentist"

AMENDMENT NO. 14

On page 20, line 7, following "E." and before "It" delete "(1)"

AMENDMENT NO. 15

On page 21, line 21, following "of" and before "demonstrator" change "such" to "a"

AMENDMENT NO. 16

On page 33, line 23, following "Chapters 2," and before "shall" change "2A, 2B, and 18 of this Title" to "2-A, 2-B, and 18 of this Subtitle"

AMENDMENT NO. 17

On page 38, line 2, following "2," change "2A, and 2B" to "2-A, and 2-B"

AMENDMENT NO. 18

On page 38, line 5, following "2," and before the comma "," change "2A" to "2-A"

AMENDMENT NO. 19

On page 38, line 6, following "and" and before "of" change "2B" to "2-B"

AMENDMENT NO. 20

On page 38, line 22, following "47:305(C)" and before the comma "," delete "(2)"

AMENDMENT NO. 21

On page 44, line 11, following "2-A" and before "of" insert "of Subtitle II"

AMENDMENT NO. 22

On page 69, line 8, following "Subsection" and before "of" change "(A)" to "A"

AMENDMENT NO. 23

On page 70, line 22, following "this" and before "on" change "Title" to "Subtitle"

AMENDMENT NO. 24

On page 72, line 1, following "Subsection" and before "of" change "(C)" to "C"

AMENDMENT NO. 25

On page 80, line 9, following "Subsection" change "(D)" to "D"

AMENDMENT NO. 26

On page 135, line 7, following "shall" and before "when" change "only be applicable" to "be applicable only"

Senator B. Jones moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Gautreaux	Malone
Bajoie	Heitmeier	Marionneaux
Barham	Hines	McPherson
Boissiere	Holden	Michot
Cain	Hollis	Mount
Chaisson	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Jones, CD	Thomas
Fields	Lambert	Ullo
Fontenot	Lentini	
Total—35		

NAYS

Total—0

ABSENT

Mr. President	Cravins
Bean	Romero
Total—4	

The Chair declared the amendments proposed by the House were concurred in. Senator B. Jones moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

Senate Bills and Joint Resolutions on Third Reading and Final Passage

The following Senate Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

SENATE BILL NO. 287—

BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 32:295(A),(B)(2), (C), and (D); and to enact R.S. 32:295(B)(3) and (I), relative to child passenger restraint systems in motor vehicles; to provide for the age at which certain child restraint systems shall be used; to provide for definitions; to provide for situations in which passenger side airbag systems are activated; to provide for an effective date; and to provide for related matters.

On motion of Senator Dupre, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 328—

BY SENATOR BAJOE AND REPRESENTATIVE MURRAY

AN ACT

To amend and reenact R.S. 47:322.38(A)(1) and to enact R.S. 47:322.38(E), relative to the distribution of certain state funds; to redistribute the avails of certain state sales taxes in Orleans Parish; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 366—

BY SENATOR SCHEDLER

AN ACT

To enact R.S. 48:973, relative to the Lake Pontchartrain Causeway Bridge; to provide that retired or disabled firemen and policemen shall have free passage over the bridge; and to provide for related matters.

The bill was read by title. Senator Schedler moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Holden	Michot
Barham	Hoyt	Mount
Cain	Johnson	Schedler
Chaisson	Jones, CD	Smith
Ellington	Lambert	Tarver
Fontenot	Lentini	Theunissen
Gautreaux	Malone	Thomas
Heitmeier	Marionneaux	
Hines	McPherson	
Total—25		

NAYS

Mr. President	Dean	Irons
Boissiere	Fields	Jones, B
Dardenne	Hollis	Ullo
Total—9		

ABSENT

Bajoie	Cravins	Romero
Bean	Dupre	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Schedler moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 400—

BY SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 37:1367(A), relative to professions and occupations; to provide with respect to plumbers; to provide for a licensed journeyman plumber to supervise three apprentices on a job; and to provide for related matters.

On motion of Senator Fontenot, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 578—

BY SENATOR FONTENOT AND REPRESENTATIVE ERDEY

AN ACT

To enact R.S. 39:33.2, relative to the minimum foundation program; to provide relative to returning the formula to the State Board of Elementary and Secondary Education; and to provide for related matters.

The bill was read by title. Senator Fontenot moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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Adley
Bajoie
Barham
Boissiere
Cain
Chaisson
Dardenne
Dean
Dupre
Ellington
Fields
Fontenot
Total—35

Gautreaux
Heitmeier
Hines
Holden
Hollis
Hoyt
Irons
Johnson
Jones, B
Jones, CD
Lambert
Lentini

Malone
Marionneaux
McPherson
Michot
Mount
Schedler
Smith
Tarver
Theunissen
Thomas
Ullo

NAYS

Total—0

ABSENT

Mr. President
Bean
Total—4

Cravins
Romero

The Chair declared the bill was passed. The title was read and adopted. Senator Fontenot moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 781— BY SENATOR BOISSIERE

AN ACT

To enact Part IV of Chapter 9 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:4159.10, relative to sewage and water disposal; to prohibit privatization of public sewage disposal or treatment facilities in municipalities having a population in excess of four hundred and seventy-five thousand, according to the most recent federal decennial census, unless specifically authorized by the legislature; and to provide for related matters.

On motion of Senator Boissiere, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 788— BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 23:1221(4)(s)(v), relative to workers' compensation, to provide for the extension of the catastrophic injury sunset provision; and to provide for related matters.

The bill was read by title. Senator Michot moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley
Bajoie
Barham
Boissiere
Cain
Chaisson
Dardenne
Dean
Dupre
Ellington
Fields
Fontenot
Total—35

Gautreaux
Heitmeier
Hines
Holden
Hollis
Hoyt
Irons
Johnson
Jones, B
Jones, CD
Lambert
Lentini

Malone
Marionneaux
McPherson
Michot
Mount
Schedler
Smith
Tarver
Theunissen
Thomas
Ullo

NAYS

Total—0

ABSENT

Mr. President
Bean
Total—4

Cravins
Romero

The Chair declared the bill was passed. The title was read and adopted. Senator Michot moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 833—

BY SENATORS HOLDEN (BY REQUEST) AND HAINKEL
AN ACT

To enact R.S. 17:421.9, relative to school psychologists; to provide a salary supplement for certain public school psychologists that have acquired certification by the National School Psychology Certification Board; to provide conditions and guidelines for receiving the supplement; to provide for payment; to provide for limitations; to provide for implementation only to the extent funds are appropriated; and to provide for related matters.

The bill was read by title. Senator Holden moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Adley
Bajoie
Barham
Boissiere
Cain
Chaisson
Dardenne
Dupre
Ellington
Fields
Fontenot
Total—35

Gautreaux
Heitmeier
Hines
Holden
Hollis
Hoyt
Irons
Johnson
Jones, B
Jones, CD
Lambert
Lentini

Malone
Marionneaux
McPherson
Michot
Mount
Schedler
Smith
Tarver
Theunissen
Thomas
Ullo

NAYS

Dean
Total—1

ABSENT

Bean
Total—3

Cravins

Romero

The Chair declared the bill was passed. The title was read and adopted. Senator Holden moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 1005— BY SENATOR HEITMEIER

AN ACT

To enact R.S. 33:135.3, relative to the powers and duties of regional planning commissions; to provide for additional powers and duties for certain commissions; and to provide for related matters.

The bill was read by title. Senator Heitmeier moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Heitmeier	Malone
Barham	Hines	Marionneaux
Boissiere	Holden	McPherson
Cain	Hollis	Michot
Chaisson	Hoyt	Mount
Dardenne	Irons	Schedler
Dupre	Johnson	Smith
Ellington	Jones, B	Tarver
Fields	Jones, CD	Theunissen
Fontenot	Lambert	Thomas
Gautreaux	Lentini	Ullo
Total—33		

NAYS

Dean
Total—1

ABSENT

Mr. President	Bean	Romero
Bajoie	Cravins	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Heitmeier moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 1053—
BY SENATOR C. JONES**AN ACT**

To amend and reenact R.S. 23:1514(A)(1), relative to workforce development; to provide with respect to employment security administration fund; to provide for funds and accounts; to provide for worker training fund; and to provide for related matters.

The bill was read by title. Senator C. Jones moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Heitmeier	Marionneaux
Bajoie	Hines	McPherson
Barham	Holden	Michot
Boissiere	Hollis	Mount
Cain	Hoyt	Schedler
Chaisson	Irons	Smith
Dardenne	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Jones, CD	Thomas
Fields	Lambert	Ullo
Fontenot	Lentini	
Gautreaux	Malone	
Total—34		

NAYS

Dean
Total—1

ABSENT

Mr. President	Cravins
Bean	Romero

Total—4

The Chair declared the bill was passed. The title was read and adopted. Senator C. Jones moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Personal Privilege

Senator Ullo asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on Senate Bill No. 1053. He voted yea on the bill and had intended to vote nay. He asked that the Official Journal so state.

SENATE BILL NO. 1095—
BY SENATOR JOHNSON**AN ACT**

To enact R.S. 48:57 and Part VI-D of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 48:109.1, relative to roads and highways; to authorize appointment of certain traffic control officers; to provide for the powers and duties of such officers; to create the Eastern New Orleans Interstate Oversight Commission; to provide for appointment of members, terms, and duties; and to provide for related matters.

The bill was read by title. Senator Johnson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Gautreaux	Malone
Bajoie	Heitmeier	Marionneaux
Barham	Hines	McPherson
Boissiere	Holden	Michot
Cain	Hollis	Schedler
Chaisson	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Johnson	Theunissen
Dupre	Jones, B	Thomas
Ellington	Jones, CD	Ullo
Fields	Lambert	
Fontenot	Lentini	
Total—34		

NAYS

Total—0

ABSENT

Mr. President	Cravins	Romero
Bean	Mount	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Johnson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Mr. President in the Chair**SENATE BILL NO. 1096—**
BY SENATOR JOHNSON AND REPRESENTATIVES RICHMOND AND SWILLING**AN ACT**

To amend and reenact R.S. 47:322.38(A)(1) and to enact R.S. 47:322.38(E), relative to the distribution of certain state funds; to redistribute the avails of certain state sales taxes in Orleans Parish; and to provide for related matters.

Floor Amendments Sent Up

Senator Irons sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Irons to Engrossed Senate Bill No. 1096 by Senator Johnson

AMENDMENT NO. 1

On page 2, line 10, change "Eastern New Orleans" to "Vieux Carre"

AMENDMENT NO. 2

On page 2, line 17, change "Eastern New Orleans Business and Tourism Fund" to "Vieux Carre Property Owner's Association Fund"

AMENDMENT NO. 3

On page 2, line 18, change "Eastern New Orleans" to "Vieux Carre"

AMENDMENT NO. 4

On page 2, line 19, after "Parish" delete the remainder of the line and delete lines 20 through 23, and insert "commonly known as the French Quarter."

AMENDMENT NO. 5

On page 3, at the end of line 4, delete "as" and deletes lines 5 through 12, and insert in lieu thereof

"to the Vieux Carre Property Owner's Association for the purpose of increased policing in the French Quarter and increased garbage and trash collection and clean-up."

Senator Irons moved adoption of the amendments.

Senator Johnson objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	Jones, CD
Adley	Heitmeier	Malone
Bajoie	Holden	McPherson
Barham	Hollis	Michot
Boissiere	Hoyt	Smith
Cain	Irons	Tarver
Dupre	Jones, B	
Total—20		

NAYS

Dardenne	Hines	Theunissen
Dean	Johnson	Thomas
Fontenot	Marionneaux	
Total—8		

ABSENT

Bean	Fields	Romero
Chaisson	Lambert	Schedler
Cravins	Lentini	Ullo
Ellington	Mount	
Total—11		

The Chair declared the amendments were adopted.

Floor Amendments Sent Up

Senator Irons sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Irons to Engrossed Senate Bill No. 1096 by Senator Johnson

AMENDMENT NO. 1

Delete Senate Floor Amendments Nos. 1 through 5 proposed by Senator Irons and adopted by the Senate on May 20, 2003.

On motion of Senator Irons, the amendments were adopted.

The bill was read by title. Senator Johnson moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Holden	McPherson
Boissiere	Irons	Tarver
Chaisson	Johnson	Thomas
Fields	Jones, CD	
Total—11		

NAYS

Mr. President	Ellington	Malone
Adley	Gautreaux	Marionneaux
Barham	Heitmeier	Schedler
Cain	Hines	Smith
Dardenne	Hoyt	Theunissen
Dean	Jones, B	Ullo
Dupre	Lentini	
Total—20		

ABSENT

Bean	Hollis	Mount
Cravins	Lambert	Romero
Fontenot	Michot	
Total—8		

The Chair declared the bill failed to pass.

Notice of Reconsideration

Senator Johnson, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next succeeding legislative day of the Senate, he would move to reconsider the vote by which the bill failed to pass.

Personal Privilege

Senator Fontenot asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the vote on Senate Bill No. 1096. He had intended to vote yea on the bill. He asked that the Official Journal so state.

SENATE BILL NO. 1102—

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 56:1855(K), relative to the Louisiana Scenic Rivers Act; to remove certain exemptions applicable to a portion of the Tchefuncte River in St. Tammany Parish; and to provide for related matters.

The bill was read by title. Senator Schedler moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Jones, CD
Adley	Fontenot	Lentini
Bajoie	Gautreaux	Malone
Barham	Heitmeier	Marionneaux
Boissiere	Hines	McPherson
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Dardenne	Hoyt	Tarver
Dean	Irons	Theunissen
Dupre	Johnson	Thomas
Ellington	Jones, B	Ullo
Total—33		

NAYS

Total—0

ABSENT

Bean	Lambert	Mount
Cravins	Michot	Romero
Total—6		

The Chair declared the bill was passed. The title was read and adopted. Senator Schedler moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 1113—

BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 32:412(A)(1), (2), (5), and (6) and (B)(1), (2), and (7)(e) and to enact R.S. 30:2511(D), relative to drivers' licenses; to increase the fee for issuance and renewal of drivers' licenses; to require funds from such fee increase to be forwarded to the Louisiana Environmental Education Fund; to provide relative to the use of such funds; and to provide for related matters.

On motion of Senator Ellington, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 1117—

BY SENATOR GAUTREUX

AN ACT

To amend and reenact R.S. 30:2000.3(B), the introductory paragraph of R.S. 30:2000.4(A), the introductory paragraph of R. S. 30:2000.4(B), R.S. 30:2000.5(B)(1) and (2) and to enact R.S. 30:2000.2(7), relative to the Atchafalaya Basin Program; to provide for the powers, duties, and functions of the secretary of the Department of Natural Resources; to provide for retroactive application; and to provide for related matters.

Floor Amendments Sent Up

Senator Gautreaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Gautreaux to Engrossed Senate Bill No. 1117 by Senator Gautreaux

AMENDMENT NO. 1

On page 1, line 4, after "30:2000.5(B)(1) and (2)" insert ", and 2000.7"

AMENDMENT NO. 2

On page 1, line 11, after "30:2000.5(B)(1) and (2)" insert ", and 2000.7"

AMENDMENT NO. 3

On page 2, between lines 25 and 26, insert the following:

"R.S. 2000.7. Officers and employees of board

~~B. The board shall employ a director and assistant director, who shall be appointed by the board subject to the approval of the secretary. The director and assistant director shall be in the unclassified service.~~ The secretary may shall employ such ~~other personnel of the board~~ staff as he deems appropriate. All employees of the board shall be under the direction and supervision of the secretary.

* * *

On motion of Senator Gautreaux, the amendments were adopted.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Adley	Fontenot	McPherson
Bajoie	Gautreaux	Schedler
Barham	Heitmeier	Smith
Boissiere	Hines	Tarver
Cain	Holden	Theunissen
Chaisson	Hollis	Thomas
Dardenne	Hoyt	Ullo
Dean	Jones, B	
Dupre	Jones, CD	
Total—28		

NAYS

Fields	Johnson	Marionneaux
Irons	Malone	
Total—5		

ABSENT

Bean	Lambert	Mount
Cravins	Michot	Romero
Total—6		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Gautreaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Senate Bills and Joint Resolutions on
Third Reading and Final Passage,
Subject to Call**

The following Senate Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Boissiere asked that Senate Bill No. 781 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 781—

BY SENATOR BOISSIERE

AN ACT

To enact Part IV of Chapter 9 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:4159.10, relative to sewage and water disposal; to prohibit privatization of public sewage disposal or treatment facilities in municipalities having a population in excess of four hundred and seventy-five

thousand, according to the most recent federal decennial census, unless specifically authorized by the legislature; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Fontenot	Lentini
Bajoie	Gautreaux	Malone
Barham	Heitmeier	Marionneaux
Boissiere	Hines	McPherson
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Dardenne	Hoyt	Tarver
Dupre	Irons	Theunissen
Ellington	Johnson	Thomas
Fields	Jones, CD	Ullo
Total—30		

NAYS

Dean
Total—1

ABSENT

Mr. President	Jones, B	Mount
Bean	Lambert	Romero
Cravins	Michot	
Total—8		

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Called from the Calendar

Senator Fontenot asked that Senate Bill No. 672 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 672— BY SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 37:1731(A)(1) and (E)(1), relative to the Good Samaritan Law; to extend immunity under the Good Samaritan Law to certain emergency service providers; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux to Engrossed Senate Bill No. 672 by Senator Fontenot

AMENDMENT NO. 1

On page 1, line 2, after "(E)(1) and before the comma, insert "and to enact R.S. 37:173(F)"

AMENDMENT NO. 2

On page 1, line 7, after "reenacted" insert "and R.S. 37:173(F) is hereby enacted"

AMENDMENT NO. 3

On page 2, between lines 18 and 19, insert the following:

"F. If the emergency results from any act or omission of the corporation, partnership, or limited liability company employing the physician, surgeon, physician assistant, nurse, or emergency medical technician or occurs on the premises of such corporation, partnership, or limited liability company, Paragraphs(A)(1) and (E)(1) shall not apply."

On motion of Senator Marionneaux, the amendments were adopted.

The bill was read by title. Senator Fontenot moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Jones, CD
Adley	Fontenot	Lentini
Bajoie	Gautreaux	Malone
Barham	Heitmeier	Marionneaux
Boissiere	Hines	McPherson
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Dardenne	Hoyt	Tarver
Dean	Irons	Theunissen
Dupre	Johnson	Thomas
Ellington	Jones, B	Ullo
Total—33		

NAYS

Total—0

ABSENT

Bean	Lambert	Mount
Cravins	Michot	Romero
Total—6		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Fontenot moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Called from the Calendar

Senator Heitmeier asked that Senate Bill No. 666 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 666— BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 22:2002(3) and (6) and to enact R.S. 22:2004.2 and 3018.1, relative to health insurance; to require coverage for low protein food products to treat certain diseases by certain health organizations and self-insured entities; and to provide for related matters.

Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 666 by Senator Heitmeier

AMENDMENT NO. 1

On page 3, line 12, following "health" and before "does" change "issuer" to "insurer"

On motion of Senator Lambert, the amendments were adopted.

The bill was read by title. Senator Heitmeier moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Jones, CD
Adley	Fontenot	Lentini
Bajoie	Gautreaux	Malone
Barham	Heitmeier	Marionneaux
Boissiere	Hines	McPherson
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Dardenne	Hoyt	Tarver
Dean	Irons	Theunissen
Dupre	Johnson	Thomas
Ellington	Jones, B	Ullo
Total—33		

NAYS

Total—0

ABSENT

Bean	Lambert	Mount
Cravins	Michot	Romero
Total—6		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Heitmeier moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Called from the Calendar

Senator Dardenne asked that Senate Bill No. 116 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 116—

BY SENATOR DARDENNE

AN ACT

To enact R.S. 40:2155(B)(8) and (9), relative to adult residential care homes; to provide for resident support during times of emergency and natural disasters; and to provide for related matters.

Floor Amendments Sent Up

Senator Dardenne sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Engrossed Senate Bill No. 116 by Senator Dardenne

AMENDMENT NO. 1

On page 1, delete line 15, and insert in lieu thereof the following:

"(8) Require the facility to make adequate provision for residents in the event of an emergency, or natural disaster as provided in the facility's approved emergency and evacuation plan.

(9) Prevent the facility from ordering residents to vacate the facility in advance of an approaching weather event, natural disaster

or other emergency except under circumstances provided by applicable law or regulation."

AMENDMENT NO. 2

On page 2, deletes line 1 through 4

On motion of Senator Dardenne, the amendments were adopted.

The bill was read by title. Senator Dardenne moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Lentini
Adley	Fontenot	Malone
Bajoie	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Schedler
Cain	Holden	Smith
Chaisson	Hollis	Tarver
Dardenne	Hoyt	Theunissen
Dean	Irons	Thomas
Dupre	Johnson	Ullo
Ellington	Jones, CD	
Total—32		

NAYS

Total—0

ABSENT

Bean	Lambert	Romero
Cravins	Michot	
Jones, B	Mount	
Total—7		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Called from the Calendar

Senator Irons asked that Senate Bill No. 625 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 625—

BY SENATORS IRONS AND BOISSIERE

AN ACT

To amend and reenact R.S. 13:4711(A), 4712, and 4713(A) and (C), relative to public nuisance; to provide for definitions; to provide that a petition establishes a rebuttable presumption of certain activity; to provide for an award of expenses incurred in abating a public nuisance or civil penalties upon issuance of a final injunction; and to provide for related matters.

Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 625 by Senator Irons

AMENDMENT NO. 1

On page 1, line 14, delete the entire line and insert,

"(1) "Criminal activity involving violence or weapons" means any activity which is defined as a crime of violence under R.S. 14:2 or which is defined as a crime involving the illegal carrying or discharge of a weapon under R.S. 14:94 through 95.8.

(2) "Drug-related criminal activity" means the illegal manufacture, sale, or distribution of, or possession with intent to manufacture, sell, or distribute, a controlled dangerous substance, as defined by R.S. 40:961 or of drug paraphernalia as defined by R.S. 40:1031.

(3) "Maintenance of a nuisance" means to conduct, carry on, or knowingly permit to exist on one's premises a prohibited activity as defined in this Subsection."

On motion of Senator Lambert, the amendments were adopted.

The bill was read by title. Senator Irons moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Jones, CD
Adley	Fontenot	Lentini
Bajoie	Gautreaux	Malone
Barham	Heitmeier	Marionneaux
Boissiere	Hines	McPherson
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Dardenne	Hoyt	Tarver
Dean	Irons	Theunissen
Dupre	Johnson	Thomas
Ellington	Jones, B	Ullo
Total—33		

NAYS

Total—0

ABSENT

Bean	Lambert	Mount
Cravins	Michot	Romero
Total—6		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Irons moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Called from the Calendar

Senator Fontenot asked that Senate Bill No. 27 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 27—

BY SENATOR HAINKEL

AN ACT

To amend and reenact R.S. 56:116.1(B)(1), relative to the use of aircraft in the taking of wild turkey and white-tailed deer; to prohibit the use of aircraft for the taking, or spotting of either species; and to provide for related matters.

Floor Amendments Sent Up

Senator Fontenot sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Fontenot to Engrossed Senate Bill No. 27 by Senator Hainkel

AMENDMENT NO. 1

Delete Senate Floor Amendments Nos. 3 and 4 proposed by Senator Lambert on behalf of the Legislative Bureau and adopted by the Senate on April 8, 2003.

AMENDMENT NO. 2

On page 2, line 7, change "bird or animal" to "game bird or wild quadruped"

AMENDMENT NO. 3

On page 2, line 8, change "taking, possessing" to "taking or possessing of any game bird or wild quadruped,"

AMENDMENT NO. 4

On page 2, line 9, change "or attempt to" to "or attempting to hunt, shoot, take or possess any game bird or wild quadruped"

On motion of Senator Fontenot, the amendments were adopted.

The bill was read by title. Senator Fontenot moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Jones, B
Adley	Fontenot	Lentini
Bajoie	Gautreaux	Malone
Barham	Heitmeier	Marionneaux
Cain	Hines	McPherson
Chaisson	Holden	Schedler
Dardenne	Hollis	Smith
Dean	Hoyt	Tarver
Dupre	Irons	Theunissen
Ellington	Johnson	Ullo
Total—30		

NAYS

Total—0

ABSENT

Bean	Jones, CD	Mount
Boissiere	Lambert	Romero
Cravins	Michot	Thomas
Total—9		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Fontenot moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Called from the Calendar

Senator C. Jones asked that Senate Bill No. 726 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 726—

BY SENATOR C. JONES

AN ACT

To amend and reenact Children's Code Art. 810, relative to constitutional rights; to provide with respect to waiver of right to counsel; to provide for the constitutional rights of accused delinquents; to prohibit juveniles from waiving right to counsel under certain circumstances; and to provide for related matters.

The bill was read by title. Senator C. Jones moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Fontenot	Jones, CD
Bajoie	Gautreaux	Lentini
Barham	Heitmeier	Malone
Boissiere	Hines	Marionneaux
Cain	Holden	McPherson
Chaisson	Hollis	Schedler
Dean	Hoyt	Smith
Dupre	Irons	Tarver
Ellington	Johnson	Theunissen
Fields	Jones, B	Ullo
Total—30		

NAYS

Total—0

ABSENT

Mr. President	Dardenne	Mount
Bean	Lambert	Romero
Cravins	Michot	Thomas
Total—9		

The Chair declared the bill was passed. The title was read and adopted. Senator C. Jones moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Called from the Calendar

Senator C. Jones asked that Senate Bill No. 511 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 511—
BY SENATOR C. JONES**AN ACT**

To amend and reenact R.S. 40:961(8) and 967(F)(3), relative to controlled dangerous substances; to provide relative to the penalties for possession of GHB (gamma hydroxybutyric acid) and analogues of GHB to eliminate inaccurate references to Schedule II(D)(2); to provide relative to the definition of a controlled substance analogue; and to provide for related matters.

The bill was read by title. Senator C. Jones moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Fontenot	Lentini
Bajoie	Gautreaux	Malone
Barham	Heitmeier	Marionneaux
Boissiere	Hines	McPherson
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Dardenne	Hoyt	Tarver
Dean	Irons	Theunissen
Dupre	Johnson	Ullo
Ellington	Jones, B	
Fields	Jones, CD	
Total—31		

NAYS

Total—0

ABSENT

Mr. President	Lambert	Romero
Bean	Michot	Thomas
Cravins	Mount	
Total—8		

The Chair declared the bill was passed. The title was read and adopted. Senator C. Jones moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Called from the Calendar

Senator C. Jones asked that Senate Bill No. 613 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 613—
BY SENATOR C. JONES**AN ACT**

To amend and reenact R.S. 46:236.5(B)(1), relative to public assistance; to provide for the establishment of paternity and the enforcement of child support; to provide for an exception to fee assessment; and to provide for related matters.

The bill was read by title. Senator C. Jones moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Fields	Jones, CD
Bajoie	Fontenot	Lentini
Barham	Gautreaux	Malone
Boissiere	Heitmeier	Marionneaux
Cain	Hines	McPherson
Chaisson	Holden	Schedler
Dardenne	Hoyt	Tarver
Dean	Irons	Theunissen
Dupre	Johnson	Thomas
Ellington	Jones, B	Ullo
Total—30		

NAYS

Smith
Total—1

ABSENT

Mr. President	Hollis	Mount
Bean	Lambert	Romero
Cravins	Michot	
Total—8		

The Chair declared the bill was passed. The title was read and adopted. Senator C. Jones moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Personal Privilege

Senator Mount asked for and obtained the floor of the Senate on a point of personal privilege, and stated she appeared as absent on the vote on Senate Bill No. 613. She had intended to vote yea on the bill. She asked that the Official Journal so state.

Called from the Calendar

Senator C. Jones asked that Senate Bill No. 522 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 522—

BY SENATOR C. JONES

AN ACT

To amend and reenact Code of Criminal Procedure Art. 926.1 (A)(1), (H)(3), and (K) and R.S. 15:151.2 and to enact Code of Criminal Procedure Art. 926.1(A)(3) and 930.7(D), relative to post conviction relief; to provide relative to DNA testing; to extend the period of time in which an application for post conviction relief through DNA testing can be made; to require appointment of counsel for an indigent petitioner for such relief; to create the Court Appointed Counsel for Post-Conviction Relief for Indigents in Non-capital Cases Fund; to place such fund under the authority of the Indigent Defense Assistance Board; and to provide for related matters.

Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 522 by Senator B. Jones

AMENDMENT NO. 1

On page 1, lines 3 and 14, change "R.S. 15:151.2" to "R.S. 15:151.2(G)"

On motion of Senator Lambert, the amendments were adopted.

On motion of Senator C. Jones, the amended bill was read by title and returned to the Calendar, subject to call.

House Bills and Joint Resolutions on Third Reading and Final Passage

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

HOUSE BILL NO. 1434—

BY REPRESENTATIVES HEBERT AND MORRISH

AN ACT

To amend and reenact R.S. 22:642, relative to assignment of policies; to provide for viatical settlement providers; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Fontenot	Malone
Bajoie	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Mount
Cain	Holden	Schedler
Chaisson	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Johnson	Theunissen
Dupre	Jones, B	Thomas
Ellington	Jones, CD	Ullo

Fields
Total—32

Lentini
NAYS

Total—0

ABSENT

Mr. President
Bean
Cravins
Total—7

Hollis
Lambert
Michot
Romero

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1435—

BY REPRESENTATIVES HEBERT AND BAYLOR

AN ACT

To amend and reenact R.S. 22:163(A)(1), relative to life insurance policies; to provide for morality, interest, and other standards; to provide for policies; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Fontenot	Malone
Bajoie	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Mount
Cain	Holden	Schedler
Chaisson	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Johnson	Theunissen
Dupre	Jones, B	Thomas
Ellington	Jones, CD	Ullo
Fields	Lentini	
Total—32		

NAYS

Total—0

ABSENT

Mr. President
Bean
Cravins
Total—7

Hollis
Lambert
Michot
Romero

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1436—

BY REPRESENTATIVES HEBERT AND FAUCHEUX

AN ACT

To enact R.S. 22:170(D) and 176(14), relative to standard provisions of life insurance policies and group life policies; to provide for lump sum payment to the beneficiary; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Fontenot	Malone
Bajoie	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Mount
Cain	Holden	Schedler
Chaisson	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Johnson	Theunissen
Dupre	Jones, B	Thomas
Ellington	Jones, CD	Ullo
Fields	Lentini	

Total—32

NAYS

Mr. President
Total—1

ABSENT

Bean	Hollis	Michot
Cravins	Lambert	Romero

Total—6

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1444—

BY REPRESENTATIVES HEBERT AND CAPELLA
AN ACT

To amend and reenact R.S. 22:844.3, relative to the loaning of securities by domestic insurers; to provide for market value; to provide for custodian; to provide for collateral; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Fontenot	Malone
Bajoie	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Mount
Cain	Holden	Schedler
Chaisson	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Johnson	Theunissen
Dupre	Jones, B	Thomas
Ellington	Jones, CD	Ullo
Fields	Lentini	

Total—32

NAYS

Total—0

ABSENT

Mr. President	Hollis	Romero
Bean	Lambert	
Cravins	Michot	

Total—7

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1445—

BY REPRESENTATIVES HEBERT AND TUCKER
AN ACT

To amend and reenact R.S. 22:844(A)(4), relative to investments by domestic insurers; to provide for bonds by public entities; to provide for limits; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Fontenot	Malone
Bajoie	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Mount
Cain	Holden	Schedler
Chaisson	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Johnson	Theunissen
Dupre	Jones, B	Thomas
Ellington	Jones, CD	Ullo
Fields	Lentini	

Total—32

NAYS

Total—0

ABSENT

Mr. President	Hollis	Romero
Bean	Lambert	
Cravins	Michot	

Total—7

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1446—

BY REPRESENTATIVES HEBERT AND FAUCHEUX
AN ACT

To enact R.S. 22:176.1, relative to group life insurance; to provide for exclusion; to provide for restrictions; to provide for exceptions; to provide for liability; to provide for contestability; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Fontenot	Malone
Bajoie	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Mount
Cain	Holden	Schedler
Chaisson	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Johnson	Theunissen

May 20, 2003

Dupre Ellington Fields Total—32	Jones, B Jones, CD Lentini	Thomas Ullo
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NAYS

Mr. President
Total—1

ABSENT

Bean Cravins Total—6	Hollis Lambert	Michot Romero
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The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1466—

BY REPRESENTATIVE HEBERT

AN ACT

To amend and reenact R.S. 22:213.6(A)(introductory paragraph), 213.7(A)(12), 215(A)(1)(introductory paragraph) and (a)(i) and (E), 215.4(A), 215.5(A) and (B), 215.7(A)(introductory paragraph), 215.9(A), 215.11(C), 215.15(A), 215.17(A)(1), 215.20(B), 215.21(A), 227(A) and (B), 228.7(A), 230.1(A), 652.3(A)(1), 669(A)(2)(a) and (3)(a), 1214(15)(c)(ii), 1460, and 1513(A)(4) and to repeal R.S. 22:215(A)(1)(c) and (4), relative to health insurance; to redesignate "franchise" coverage to "association" coverage; to provide for readjustment of rate premium; to provide relative to franchise health and accident rates; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley Bajoie Barham Boissiere Cain Chaisson Dardenne Dean Dupre Ellington Fields Total—31	Fontenot Gautreaux Heitmeier Hines Holden Hoyt Irons Johnson Jones, B Jones, CD Lentini	Malone Marionneaux McPherson Mount Schedler Smith Tarver Theunissen Ullo
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NAYS

Total—0

ABSENT

Mr. President Bean Cravins Total—8	Hollis Lambert Michot	Romero Thomas
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The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1477—

BY REPRESENTATIVE HEBERT

AN ACT

To amend and reenact R.S. 22:982(A)(13) and 983(B) and to enact R.S. 22:987(A)(19), relative to foreign and alien insurers; to provide for certificate of authority; to provide for deposits; to provide for penalties; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley Bajoie Barham Boissiere Cain Chaisson Dardenne Dean Dupre Ellington Fields Total—31	Fontenot Gautreaux Heitmeier Hines Holden Hoyt Irons Johnson Jones, B Jones, CD Lentini	Malone Marionneaux McPherson Mount Schedler Smith Tarver Theunissen Thomas
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NAYS

Ullo
Total—1

ABSENT

Mr. President Bean Cravins Total—7	Hollis Lambert Michot	Romero
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The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1484—

BY REPRESENTATIVE HEBERT

AN ACT

To amend and reenact R.S. 22:71.1(C)(1), relative to domestic stock insurers; to provide for certificate of authority; to provide for requirements; to provide for issuance; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Adley Bajoie Barham Boissiere Cain Chaisson Dardenne Dean Dupre	Fields Fontenot Gautreaux Heitmeier Hines Holden Hoyt Irons Johnson Jones, B	Lentini Malone Marionneaux McPherson Mount Schedler Smith Tarver Theunissen Thomas
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Ellington	Jones, CD	Ullo
Total—33		
	NAYS	
Total—0		
	ABSENT	
Bean	Hollis	Michot
Cravins	Lambert	Romero
Total—6		

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1485—

BY REPRESENTATIVES HEBERT AND FRUGE
AN ACT

To amend and reenact R.S. 22:6(16), relative to credit insurance; to provide for definitions; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

	YEAS	
Mr. President	Fields	Lentini
Adley	Fontenot	Malone
Bajoie	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Mount
Cain	Holden	Schedler
Chaisson	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Johnson	Theunissen
Dupre	Jones, B	Thomas
Ellington	Jones, CD	Ullo
Total—33		
	NAYS	
Total—0		
	ABSENT	
Bean	Hollis	Michot
Cravins	Lambert	Romero
Total—6		

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1509—

BY REPRESENTATIVE HEBERT
AN ACT

To amend and reenact R.S. 22:1, relative to the Insurance Code; to provide for Title 22; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

	YEAS	
Mr. President	Fields	Lentini

Adley	Fontenot	Malone
Bajoie	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Mount
Cain	Holden	Schedler
Chaisson	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Johnson	Theunissen
Dupre	Jones, B	Thomas
Ellington	Jones, CD	Ullo
Total—33		

NAYS

Total—0

ABSENT

Bean	Hollis	Michot
Cravins	Lambert	Romero
Total—6		

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1511—

BY REPRESENTATIVES HEBERT AND CAPELLA
AN ACT

To amend and reenact R.S. 22:1458, relative to the duration of licenses; to provide for surplus line brokers' licenses; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

	YEAS	
Mr. President	Fields	Lentini
Adley	Fontenot	Malone
Bajoie	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Mount
Cain	Holden	Schedler
Chaisson	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Johnson	Theunissen
Dupre	Jones, B	Thomas
Ellington	Jones, CD	Ullo
Total—33		

NAYS

Total—0

ABSENT

Bean	Hollis	Michot
Cravins	Lambert	Romero
Total—6		

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1512—

BY REPRESENTATIVES HEBERT AND MORRISH
AN ACT

To amend and reenact R.S. 22:650, relative to insurance claims; to require insurers to provide proof of loss forms; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Fontenot	Malone
Bajoie	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Mount
Cain	Holden	Schedler
Chaisson	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Johnson	Theunissen
Dupre	Jones, B	Thomas
Ellington	Jones, CD	Ullo
Fields	Lentini	
Total—32		

NAYS

Mr. President
Total—1

ABSENT

Bean	Hollis	Michot
Cravins	Lambert	Romero
Total—6		

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1537—

BY REPRESENTATIVE HEBERT

AN ACT

To amend and reenact R.S. 22:675(C)(2) and (5), relative to insurance; to provide for stop-loss; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Fontenot	Malone
Bajoie	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Mount
Cain	Holden	Schedler
Chaisson	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Johnson	Theunissen
Dupre	Jones, B	Thomas
Ellington	Jones, CD	Ullo
Fields	Lentini	
Total—32		

NAYS

Total—0

ABSENT

Mr. President	Hollis	Romero
Bean	Lambert	
Cravins	Michot	

Total—7

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**House Bills and Joint Resolutions on
Third Reading and Final Passage,
Subject to Call**

The following House Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator McPherson asked that House Bill No. 987 be called from the Calendar at this time for its final passage.

HOUSE BILL NO. 987—

BY REPRESENTATIVES DEWITT, DANIEL, FAUCHEUX, HAMMETT, HILL, L. JACKSON, ODINET, AND TOWNSEND AND SENATOR HAINKEL

AN ACT

To amend and reenact R.S. 47:1832(A), relative to the tax commission; to provide for the membership of such commission; and to provide for related matters.

Floor Amendments Sent Up

Senator Hainkel sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Conforming Amendments proposed by Senator Hainkel to Engrossed House Bill No. 987 by Representative Dewitt (Duplicate of Senate Bill No. 114)

AMENDMENT NO. 1

On page 1, line 10, after "governor" delete the remaining of the line and insert the following: "one from each Public Service Commission district to serve at"

On motion of Senator Hainkel, the amendments were adopted.

The bill was read by title. Senator McPherson moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Malone
Adley	Fontenot	Marionneaux
Bajoie	Gautreaux	McPherson
Barham	Heitmeier	Mount
Boissiere	Hines	Schedler
Cain	Holden	Smith
Chaisson	Hoyt	Tarver
Dardenne	Irons	Theunissen
Dean	Johnson	Thomas
Dupre	Jones, B	Ullo
Ellington	Jones, CD	
Total—32		

NAYS

Lentini
Total—1

ABSENT

Bean	Hollis	Michot
Cravins	Lambert	Romero
Total—6		

The Chair declared the amended bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Called from the Calendar

Senator Johnson asked that House Bill No. 1378 be called from the Calendar at this time for its final passage.

HOUSE BILL NO. 1378—

BY REPRESENTATIVE MURRAY

AN ACT

To amend and reenact R.S. 39:100.1(C) and to enact R.S. 39:100.1(D) and R.S. 47:1602.1, relative to the Sports Facility Assistance Fund; to provide for the use of monies in the fund; to provide for the attribution of income taxes to the fund; to provide for penalties for failure of nonresident professional athletes and professional sports franchises to file income tax returns; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Johnson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Mount
Boissiere	Holden	Schedler
Cain	Hoyt	Smith
Chaisson	Irons	Tarver
Dardenne	Johnson	Theunissen
Dupre	Jones, B	Thomas
Ellington	Jones, CD	Ullo
Fields	Lentini	
Total—32		

NAYS

Dean
Total—1

ABSENT

Bean	Hollis	Michot
Cravins	Lambert	Romero
Total—6		

The Chair declared the bill was passed. The title was read and adopted. Senator Johnson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Rules Suspended

Senator Adley asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House**HOUSE CONFEREES APPOINTED**

May 20, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to House Bill No. 1007 by Representative Bruneau:

Representatives Bruneau, Pinac and Richmond.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Message from the House**HOUSE CONFEREES APPOINTED**

May 20, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to House Bill No. 932 by Representative Pitre:

Representatives Pitre, Diez and Powell.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Message from the House**HOUSE CONFEREES APPOINTED**

May 20, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to House Bill No. 1499 by Representative Pitre:

Representatives Pitre, Thompson and Martiny.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Message from the House**PASSED SENATE BILLS AND
JOINT RESOLUTIONS**

May 20, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed the following Senate Bills and Joint Resolutions:

SENATE BILL NO. 150—

BY SENATORS DUPRE AND HAINKEL
AN ACT

To enact R.S. 22:1476, relative to a public adjuster; to provide that certain contracts between a public adjuster and an insured are null and void; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 420—

BY SENATOR MCPHERSON
AN ACT

To enact R.S. 22:10, relative to health insurance; to require the Department of Insurance to provide an annual assessment of state and federal health issues relating to a patient's bill of rights; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 229—

BY SENATOR HOLLIS
AN ACT

To enact R.S. 22:1193(K), relative to continuing education requirements for renewal of insurance licenses; to provide for the granting of continuing education credits to certain licensed agents and brokers active for participation in certain industry organizations; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 474—

BY SENATOR THOMAS
AN ACT

To amend and reenact R.S. 22:5(9)(b), relative to the payment of professional malpractice or public liability claims by statewide hospital associations; to provide that the payment of claims against hospitals which are members of the association and members of societies of the association shall not be deemed to be insurance; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 46—

BY SENATOR MCPHERSON
AN ACT

To enact R.S. 17:3048.1(W), relative to the Tuition Opportunity Program for Students; to provide for the use of awards at eligible Louisiana colleges and universities by students who are otherwise qualified for a program award and who enroll as first-time freshmen in an out-of-state college or university; to provide conditions and limitations; to provide for effectiveness; to provide for an effective date; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

May 20, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 65—

BY SENATORS SCHEDLER, HAINKEL, THOMAS AND
REPRESENTATIVES WINSTON, CROWE, SCHNEIDER, AND STRAIN
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to continue and expand the capacity projects included in the highway priority program, particularly in St. Tammany Parish.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 89—

BY SENATOR HAINKEL
A CONCURRENT RESOLUTION

To recognize the contributions of Max Cary Long to knowledge, culture, and civility and to offer the condolences of the legislature to his wife and family.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 90—

BY SENATORS HAINKEL, SCHEDLER AND THOMAS AND
REPRESENTATIVES POWELL, STRAIN AND WINSTON
A CONCURRENT RESOLUTION

To commend the city of Hammond on being named the "2003 Cleanest City" by the Louisiana Garden Club Federation.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 92—

BY SENATOR HINES
A CONCURRENT RESOLUTION

To commend the Port Barre High School Red Devils on winning the 2002 Class 2A state championship in the Nokia Sugar Bowl Prep Football Classic.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

**Introduction of Resolutions,
Senate and Concurrent**

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 48—

BY SENATORS BARHAM, ELLINGTON, B. JONES, C. JONES, AND
SMITH
A RESOLUTION

To commend and congratulate KNOE-TV Channel 8 for fifty years of broadcasting in Monroe.

On motion of Senator Barham, the resolution was read by title and adopted.

SENATE RESOLUTION NO. 49—

BY SENATOR MOUNT
A RESOLUTION

To commend and congratulate Alvin David Varnado upon the occasion of his retirement from the city of Lake Charles.

On motion of Senator Mount, the resolution was read by title and adopted.

SENATE CONCURRENT RESOLUTION NO. 94—

BY SENATOR ELLINGTON

A CONCURRENT RESOLUTION

To recognize the Boeuf River Band of Cherokees as an Indian tribe of Louisiana.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Judiciary B.

SENATE CONCURRENT RESOLUTION NO. 95—

BY SENATOR HAINKEL

A CONCURRENT RESOLUTION

To urge and request that the Board of Administrators of Tulane University retain the university's Division I-A intercollegiate athletics program.

The resolution was read by title. Senator Hainkel moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	Marionneaux
Adley	Heitmeier	McPherson
Barham	Hines	Mount
Boissiere	Holden	Schedler
Cain	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Johnson	Theunissen
Dupre	Jones, B	Thomas
Ellington	Jones, CD	Ullo
Fields	Lentini	
Fontenot	Malone	
Total—31		

NAYS

Total—0

ABSENT

Bajoie	Cravins	Michot
Bean	Hollis	Romero
Chaisson	Lambert	
Total—8		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House**ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

May 20, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 623—

BY REPRESENTATIVES THOMPSON, BAUDOUIN, BRUCE, CAZAYOUX, DOWNS, FANNIN, FRITH, HILL, KENNEY, LAFLEUR, MORRISH, JACK SMITH, AND STRAIN AND SENATOR SMITH

AN ACT

To amend and reenact R.S. 3:4278.2, relative to timber sales; to provide relative to the removal of timber without consent of certain minority ownership interests; to require publication of advertisements and other notification; to provide for the commencement of harvesting timber; to provide for the rights of nonconsenting owners; to provide for evidence of violations; and to provide for related matters.

HOUSE BILL NO. 1018—

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 37:1178 and to enact R.S. 37:1182(A)(22), (23), and (24), 1216, and 1217, relative to the Louisiana Pharmacy Practice Act; to provide for expense reimbursement for Louisiana Board of Pharmacy members; to provide the board the authority to conduct criminal background checks; to provide the board the authority to conduct identification verification; to provide the board the authority to require evaluations; and to provide for related matters.

HOUSE BILL NO. 1108—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 37:3372(3), (9), (10), and (11), 3375(B), 3376(G)(2), 3379(A)(6), and 3383 and to enact R.S. 37:3372(12) and 3376(G)(3), relative to mental health professionals; to revise the qualifications to become a compulsive gambling counselor; and to provide for related matters.

HOUSE BILL NO. 1328—

BY REPRESENTATIVES PINAC AND NEVERS

AN ACT

To enact Chapter 24-A of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:2181 through 2192, relative to licensing; to provide for licensing for persons who perform mold assessment and mold remediation services; to provide relative to the State Licensing Board for Contractors; to provide for a purpose and scope; to provide for definitions; to provide for the board's powers and duties; to provide for qualifications, applications, and fees; to provide for exceptions; to provide relative to written reports; to prohibit certain activities; to provide for license renewals; to provide for administrative actions and penalties; to provide for cease and desist orders and injunctive relief; and to provide for related matters.

HOUSE BILL NO. 1806—

BY REPRESENTATIVE TOOMY

AN ACT

To amend and reenact R.S. 15:598 and to enact R.S. 15:587.4, relative to criminal history records checks; to provide with respect to the authority of a municipal or parish fire department, a fire protection district, or a volunteer fire department to require such background checks; to provide for fees for processing such records checks; and to provide for related matters.

HOUSE BILL NO. 1944—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 27:93(A)(2)(introductory paragraph) and (a), (7)(introductory paragraph) and (e), and (8), to enact R.S. 27:93(A)(9), and to repeal R.S. 27:93(A)(2)(e), (f), and (i), relative to admission fees for riverboats; to provide for allocation of funds derived from riverboat boarding fees on certain riverboats in Bossier Parish; to provide for the levying of boarding fees in Bossier Parish in certain cases; and to provide for related matters.

HOUSE BILL NO. 2008 (Substitute for House Bill No. 1676 by Representatives Kennard and Ansardi)—BY REPRESENTATIVES ANSARDI, KENNARD, AND MURRAY
AN ACT

To amend and reenact R.S. 13:3041, 3042, 3044(C), and 3106 and R.S. 23:965(A)(1) and to enact R.S. 13:3042.1 and 3050, relative to jury service; to provide for public policy; to provide for waivers of petit jury service; to provide for postponements of petit jury service; to provide for frequency of service on juries; to provide for the Lengthy Trial Fund; to provide for applicability of certain provisions in Orleans Parish; to provide for the prohibition against dismissal of employees for jury service; and to provide for related matters.

HOUSE BILL NO. 2015 (Substitute for House Bill No. 993 by Representative LaFleur)—

BY REPRESENTATIVES LAFLEUR, CAZAYOUX, HUTTER, AND SCALISE

AN ACT

To enact Chapter 19-C of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1741 through 1741.3, relative to telecommunications; to provide relative to unsolicited commercial electronic mail advertisements; to provide for definitions; to prohibit certain activities; to require certain disclosures and the maintenance of certain electronic mail addresses; to provide relative to electronic mail addresses provided by an employer; to provide for civil actions and damages; and to provide for related matters.

HOUSE BILL NO. 204—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 11:710(B), relative to the Teachers' Retirement System of Louisiana; to provide with respect to reemployment of retirees; to relieve certain retirees reemployed in part-time positions with the Louisiana High School Athletic Association from making contributions to the system; to relieve the association from making employer contributions on behalf of any such retiree; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 217—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 11:2223(A) and (B)(1) and to enact R.S. 11:2214(A)(2)(d) and (e), relative to the Municipal Police Employees' Retirement System; to provide with respect to membership in the system; to provide for physical examinations; to establish deadlines for submission of certain forms; to require submission of waivers for preexisting conditions; to provide eligibility criteria for disability benefits; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 232—

BY REPRESENTATIVE FUTRELL

AN ACT

To amend and reenact R.S. 15:542(B)(introductory paragraph), (1)(introductory paragraph), and (2)(a), relative to sex offender registration and notification; to require sex offenders to provide a description of their physical characteristics; and to provide for related matters.

HOUSE BILL NO. 243—

BY REPRESENTATIVE ANSARDI

AN ACT

To amend and reenact Children's Code Articles 424.1(A), 1015(7), 1101, and 1193(introductory paragraph); to enact Chapter 13 of Title XI of the Children's Code, to be comprised of Articles 1149 through 1160; and to repeal Children's Code Articles 1701 through 1706, relative to safe haven relinquishments of infants; to provide for CASA appointments; to provide for defenses to prosecution; to provide for emergency care facility responsibilities; to provide for medical evaluations of the infant;

to provide for hearings for parents to reclaim parental rights; to provide procedures when a non-relinquishing parent cannot be identified; to provide procedural safeguards; and to provide for related matters.

HOUSE BILL NO. 244—

BY REPRESENTATIVE LUCAS

AN ACT

To enact R.S. 33:2828, relative to the parish of Orleans and the city of New Orleans; to establish the St. Claude Avenue Economically Disadvantaged Enterprise Zone; to specify the boundaries of the zone; to authorize the city of New Orleans to grant tax exemptions; and to provide for related matters.

HOUSE BILL NO. 248—

BY REPRESENTATIVE TOOMY

AN ACT

To amend and reenact R.S. 13:3886(A) and (B)(1) and R.S. 33:1428(A)(1), (6), (12)(a) and (d), and (13)(c) and (e), relative to fees of office for services and duties of sheriffs in civil matters; to provide for fees of office for service in certain civil matters; and to provide for related matters.

HOUSE BILL NO. 259—

BY REPRESENTATIVE WINSTON

AN ACT

To amend and reenact R.S. 17:3021 and R.S. 36:642(D)(2), to enact R.S. 17:3048.2(F) and (G), and to repeal R.S. 17:3023(B), 3023.8.1, 3026, 3027, 3028, 3030, 3036, 3036.1, Chapter 20-A of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3041 through 3041.7, Chapter 20-B-1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3042.11 through 3042.14, Chapter 20-B-3 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3042.31 through 3042.36, and Chapter 20-C of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3043 through 3043.2, all relative to the administrative powers and duties of the Louisiana Student Financial Assistance Commission; to repeal certain student financial assistance programs that the commission is authorized to administer; to provide for the continuance of certain tuition payments awarded pursuant to two such programs; to delete provisions relative to the review and approval by the commission of certain applications; and to provide for related matters.

HOUSE BILL NO. 376—

BY REPRESENTATIVE FAUCHEUX

AN ACT

To amend and reenact Code of Criminal Procedure Article 814(A)(5), relative to responsive verdicts; to provide that "guilty of negligent homicide" may be rendered as a responsive verdict to an indictment which charges the offense of manslaughter; and to provide for related matters.

HOUSE BILL NO. 347—

BY REPRESENTATIVES GARY SMITH AND POWELL

AN ACT

To enact R.S. 17:3048.1(H)(3), to permit certain students under specified circumstances to receive TOPS Opportunity, Performance, and Honors award benefits for postgraduate study; to provide for limitations; to provide relative to the powers and duties of the Louisiana Student Financial Assistance Commission; to provide for implementation; and to provide for related matters.

HOUSE BILL NO. 447—

BY REPRESENTATIVE TRICHE

AN ACT

To amend and reenact R.S. 42:1132(B)(1) and (3)(b) and 1133(A), relative to the Board of Ethics; to reduce the membership of the board; to provide for the quorum of the board; to provide relative to the appointment or election of members to the board;

to provide for staggered terms; to provide for implementation; and to provide for related matters.

HOUSE BILL NO. 377—

BY REPRESENTATIVE FAUCHEUX

AN ACT

To amend and reenact Code of Criminal Procedure Article 814(A)(3), relative to responsive verdicts; to provide that negligent homicide is a responsive verdict for the crime of second degree murder; and to provide for related matters.

HOUSE BILL NO. 489—

BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 49:968(G), (H)(1), (I), and (J), relative to review of agency rules; to provide for a standing committee to override the governor's disapproval of a subcommittee's action relative to a proposed agency rule by a vote of two-thirds of the entire membership of the committee; to provide for the effect of such committee action; to provide for procedures; and to provide for related matters.

HOUSE BILL NO. 530—

BY REPRESENTATIVE FARRAR

AN ACT

To enact R.S. 47:9059, relative to lottery retailers; to provide for the commission lottery retailers receive on the sale of lottery tickets; and to provide for related matters.

HOUSE BILL NO. 689—

BY REPRESENTATIVES FARRAR AND DEWITT

AN ACT

To enact Chapter 5-I of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:380.61 through 380.66, and R.S. 36:744(T) and 801.13, to create the Tioga Heritage Park and Museum; to provide for a museum governing board including its composition, powers, duties, responsibilities, meetings, and officers; to provide for the adoption of rules and regulations including fees; to provide for receipt and use of funds and property; to provide relative to the authority of the secretary of state with respect to the museum; to provide relative to personnel and budgets of the museum; and to provide for related matters.

HOUSE BILL NO. 717—

BY REPRESENTATIVE FLAVIN

AN ACT

To amend and reenact R.S. 33:4768(A)(1), relative to condemned structures; to provide that the city of Lake Charles, as an alternative to demolition or removal, may make repairs necessary to correct defects in condemned structures within its jurisdiction; and to provide for related matters.

HOUSE BILL NO. 814—

BY REPRESENTATIVE FAUCHEUX

AN ACT

To enact R.S. 40:1058.1.1, relative to substance abuse and addiction treatment; to provide for substance abuse and addiction treatment facilities; to require the Department of Health and Hospitals to promulgate rules and standards for licensing or certification of such facilities; and to provide for related matters.

HOUSE BILL NO. 818—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 11:1481(1)(a), relative to the Louisiana Assessors' Retirement Fund; to provide for financing of the fund; to provide for tax deductions; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 819—

BY REPRESENTATIVES PINAC AND ARNOLD

AN ACT

To amend and reenact R.S. 11:1471, relative to the Assessors' Retirement Fund; to provide relative to the board of trustees; to provide for membership thereon; to provide for election procedures; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 885—

BY REPRESENTATIVES BRUNEAU, LANCASTER, AND JOHN SMITH

AN ACT

To amend and reenact R.S. 18:55(A)(2) and (4)(a) and 59(B)(2) and (4)(a) and (C)(2) and (4)(a), relative to registrars of voters; to provide for a salary increase for registrars of voters, chief deputy registrars, and confidential assistants to registrars of voters; and to provide for related matters.

HOUSE BILL NO. 895—

BY REPRESENTATIVE LANCASTER

AN ACT

To amend and reenact R.S. 18:1483(11), relative to the definition of major office for the purposes of the Campaign Finance Disclosure Act; to remove the exclusion of certain judicial seats from the definition of "major office"; and to provide for related matters.

HOUSE BILL NO. 945—

BY REPRESENTATIVE HOPKINS

AN ACT

To enact R.S. 13:2583.3, relative to justice of the peace courts in Caddo Parish; to authorize each constable of a justice of the peace court to appoint a deputy constable for that ward; and to provide for related matters.

HOUSE BILL NO. 950—

BY REPRESENTATIVE WINSTON

AN ACT

To amend and reenact Children's Code Articles 896(D) and 900(A) and to enact Children's Code Article 898(C)(6), relative to the delinquency of juveniles; to provide with respect to the effective period of a deferred dispositional agreement, a judgment of disposition in a misdemeanor-grade adjudication, and a judgment of disposition in a felony-grade adjudication; to provide that these time periods may be extended for any juvenile participating or ordered to participate in a juvenile drug court program; and to provide for related matters.

HOUSE BILL NO. 955—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To enact R.S. 11:153(L), relative to the Sheriffs' Pension and Relief Fund; to provide for the purchase of credit for military service; to provide for the payment of the additional actuarial cost; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 1031—

BY REPRESENTATIVE TUCKER

AN ACT

To amend and reenact R.S. 23:631(A)(1), relative to the payment of employees; to provide for the payment of employee's wages upon separation from employment; and to provide for related matters.

HOUSE BILL NO. 1115—

BY REPRESENTATIVES TRICHE, CURTIS, DANIEL, DEVILLIER, FAUCHEUX, FRUGE, HUDSON, KENNARD, MCVEA, JACK SMITH, JOHN SMITH, STRAIN, DOWNER, MONTGOMERY, AND PIERRE AND SENATORS MICHOT, ADLEY, CRAVINS, HINES, HOLDEN, AND MALONE

AN ACT

To amend and reenact R.S. 11:62(5)(d), 581(B)(1), and 582(A) and (C), relative to the Louisiana State Employees' Retirement System; to provide relative to the employee contribution rate for

wildlife agents; to provide for definitions; to provide relative to retirement benefits for wildlife agents; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 1221—

BY REPRESENTATIVE MURRAY

AN ACT

To amend and reenact R.S. 42:1102(2)(a)(ii), to provide relative to the definition of the agency of the lieutenant governor for purposes of the Code of Governmental Ethics; and to provide for related matters.

HOUSE BILL NO. 1307—

BY REPRESENTATIVE LAFLEUR

AN ACT

To amend and reenact R.S. 40:432 and to enact R.S. 40:384(28), relative to local housing authorities; to provide for definitions; to authorize the collection of criminal history record information on applicants for public housing and vouchers under Housing Choice Voucher programs; and to provide for related matters.

HOUSE BILL NO. 1488—

BY REPRESENTATIVE FARRAR

AN ACT

To amend and reenact R.S. 33:3817(B), relative to waterworks districts; to authorize the board of commissioners of such districts to employ a president and to fix his salary; and to provide for related matters.

HOUSE BILL NO. 1508—

BY REPRESENTATIVE HEBERT

AN ACT

To amend and reenact R.S. 22:1401(E) and (F), 1404(5), 1405(C), 1406(A), (B), and (D)(1)(a)(ii) and (c)(i)(introductory paragraph), 1407(A)(1) and (2)(introductory paragraph), (B), (C), (D), (E), (G), (H), and (K), 1408, 1409(A), (B), (D), and (G)(2), 1410, 1411, 1413(B), (C), and (D), 1414(B), 1415, 1416, 1418, 1419(A)(1) and (B), and 1422 and to repeal R.S. 22:1401(G) and (H), 1406(C) and (D)(7), 1407(J) and (L), 1417.1, and 1420, relative to the functions, duties, and activities of the Louisiana Insurance Rating Commission; to provide for the office of property and casualty; to provide for procedures; to provide for expenses; and to provide for related matters.

HOUSE BILL NO. 1541—

BY REPRESENTATIVE STRAIN

AN ACT

To enact R.S. 23:1871(Q), relative to educational, licensing, and employment data and reports; to provide for data sharing among certain state agencies, education programs, and licensing boards for the purposes of health occupational forecasting and reporting; and to provide for related matters.

HOUSE BILL NO. 1832—

BY REPRESENTATIVE FAUCHEUX

AN ACT

To enact R.S. 13:847(F), relative to fees clerks of court receive in criminal cases; to authorize a clerk of a district court in a parish with a population of between forty-two thousand eight hundred and forty-three thousand five hundred to receive an additional fee in expungement cases; to provide for use of the funds; and to provide for related matters.

HOUSE BILL NO. 1862—

BY REPRESENTATIVE PERKINS

AN ACT

To amend and reenact R.S. 15:572(A) and (B), relative to pardons; to provide that a pardon shall not be issued to any person unless that person has paid all of the fees and fines which were imposed in connection with the conviction of the crime for which the pardon is to be issued; and to provide for related matters.

HOUSE BILL NO. 1866—

BY REPRESENTATIVE RICHMOND

AN ACT

To amend and reenact R.S. 33:4701(A), 4702(B)(1) and (2) and (C)(1), 4703(A), 4706(B), 4707(A)(1) and (4), and 4708(A) and (B)(2) and (4) and to repeal R.S. 33:4702(B)(3) and (4), (E)(4) and (5), and (G) and 4703(C)(14), relative to special municipal districts; to provide with respect to the New Orleans Business and Industrial District; to provide for a name change; to provide with respect to the members of the board of commissioners of the district; to repeal certain provisions; and to provide for related matters.

HOUSE BILL NO. 1886—

BY REPRESENTATIVE TUCKER

AN ACT

To enact R.S. 33:9038.10, relative to economic development districts; to provide for the annual baseline collection rate for tax increments within certain districts; and to provide for related matters.

HOUSE BILL NO. 1981—

BY REPRESENTATIVE MARTINY

AN ACT

To enact R.S. 14:106.2, relative to offenses affecting the general peace and order; to prohibit the engaging of certain sexual acts in public; to provide for criminal penalties; and to provide for related matters.

HOUSE BILL NO. 913—

BY REPRESENTATIVE SCHNEIDER

AN ACT

To amend and reenact R.S. 11:1312(H) and 1335, relative to the Louisiana State Police Pension and Retirement System; to provide with respect to the conversion of annual leave and sick leave upon termination of employment; to provide relative to lump sum payments for leave conversion; to allow deposit of such payments directly into the member's Deferred Retirement Option Plan account; to provide for placing Deferred Retirement Option Plan account balances in liquid asset money market investments; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 949—

BY REPRESENTATIVE BRUCE

AN ACT

To enact Chapter 5-I of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:380.61 through 380.66, and R.S. 36:744(T) and 801.13, to create the Mansfield Women's College Museum in the Department of State; to provide relative to the governing authority of the museum including its composition, powers, duties, responsibilities, meetings, and officers; to provide for the adoption of rules and regulations including fees; to provide for receipt and use of funds and property; to provide relative to the authority of the secretary of state with respect to the museum; to provide relative to personnel and budgets of the museum; and to provide for related matters.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

**House Bills and Joint Resolutions
on First Reading**

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE BILL NO. 204—

BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 11:710(B), relative to the Teachers' Retirement System of Louisiana; to provide with respect to reemployment of retirees; to relieve certain retirees reemployed in part-time positions with the Louisiana High School Athletic Association from making contributions to the system; to relieve the association from making employer contributions on behalf of any such retiree; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 217—

BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 11:2223(A) and (B)(1) and to enact R.S. 11:2214(A)(2)(d) and (e), relative to the Municipal Police Employees' Retirement System; to provide with respect to membership in the system; to provide for physical examinations; to establish deadlines for submission of certain forms; to require submission of waivers for preexisting conditions; to provide eligibility criteria for disability benefits; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 232—

BY REPRESENTATIVE FUTRELL
AN ACT

To amend and reenact R.S. 15:542(B)(introductory paragraph), (1)(introductory paragraph), and (2)(a), relative to sex offender registration and notification; to require sex offenders to provide a description of their physical characteristics; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 243—

BY REPRESENTATIVE ANSARDI
AN ACT

To amend and reenact Children's Code Articles 424.1(A), 1015(7), 1101, and 1193(introductory paragraph); to enact Chapter 13 of Title XI of the Children's Code, to be comprised of Articles 1149 through 1160; and to repeal Children's Code Articles 1701 through 1706, relative to safe haven relinquishments of infants; to provide for CASA appointments; to provide for defenses to prosecution; to provide for emergency care facility responsibilities; to provide for medical evaluations of the infant; to provide for hearings for parents to reclaim parental rights; to provide procedures when a non-relinquishing parent cannot be identified; to provide procedural safeguards; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 244—

BY REPRESENTATIVE LUCAS
AN ACT

To enact R.S. 33:2828, relative to the parish of Orleans and the city of New Orleans; to establish the St. Claude Avenue Economically Disadvantaged Enterprise Zone; to specify the boundaries of the zone; to authorize the city of New Orleans to grant tax exemptions; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 248—

BY REPRESENTATIVE TOOMY
AN ACT

To amend and reenact R.S. 13:3886(A) and (B)(1) and R.S. 33:1428(A)(1), (6), (12)(a) and (d), and (13)(c) and (e), relative to fees of office for services and duties of sheriffs in civil matters; to provide for fees of office for service in certain civil matters; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 259—

BY REPRESENTATIVE WINSTON
AN ACT

To amend and reenact R.S. 17:3021 and R.S. 36:642(D)(2), to enact R.S. 17:3048.2(F) and (G), and to repeal R.S. 17:3023(B), 3023.8.1, 3026, 3027, 3028, 3030, 3036, 3036.1, Chapter 20-A of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3041 through 3041.7, Chapter 20-B-1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3042.11 through 3042.14, Chapter 20-B-3 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3042.31 through 3042.36, and Chapter 20-C of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3043 through 3043.2, all relative to the administrative powers and duties of the Louisiana Student Financial Assistance Commission; to repeal certain student financial assistance programs that the commission is authorized to administer; to provide for the continuance of certain tuition payments awarded pursuant to two such programs; to delete provisions relative to the review and approval by the commission of certain applications; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 347—

BY REPRESENTATIVES GARY SMITH AND POWELL
AN ACT

To enact R.S. 17:3048.1(H)(3), to permit certain students under specified circumstances to receive TOPS Opportunity, Performance, and Honors award benefits for postgraduate study; to provide for limitations; to provide relative to the powers and duties of the Louisiana Student Financial Assistance Commission; to provide for implementation; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 376—

BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact Code of Criminal Procedure Article 814(A)(5), relative to responsive verdicts; to provide that "guilty of negligent homicide" may be rendered as a responsive verdict to an indictment which charges the offense of manslaughter; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 377—

BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact Code of Criminal Procedure Article 814(A)(3), relative to responsive verdicts; to provide that negligent homicide is a responsive verdict for the crime of second degree murder; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 447—

BY REPRESENTATIVE TRICHE

AN ACT

To amend and reenact R.S. 42:1132(B)(1) and (3)(b) and 1133(A), relative to the Board of Ethics; to reduce the membership of the board; to provide for the quorum of the board; to provide relative to the appointment or election of members to the board; to provide for staggered terms; to provide for implementation; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 489—

BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 49:968(G), (H)(1), (I), and (J), relative to review of agency rules; to provide for a standing committee to override the governor's disapproval of a subcommittee's action relative to a proposed agency rule by a vote of two-thirds of the entire membership of the committee; to provide for the effect of such committee action; to provide for procedures; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 530—

BY REPRESENTATIVE FARRAR

AN ACT

To enact R.S. 47:9059, relative to lottery retailers; to provide for the commission lottery retailers receive on the sale of lottery tickets; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 623—

BY REPRESENTATIVES THOMPSON, BAUDOIN, BRUCE, CAZAYOUX, DOWNS, FANNIN, FRITH, HILL, KENNEY, LAFLEUR, MORRISH, JACK SMITH, AND STRAIN AND SENATOR SMITH

AN ACT

To amend and reenact R.S. 3:4278.2, relative to timber sales; to provide relative to the removal of timber without consent of certain minority ownership interests; to require publication of advertisements and other notification; to provide for the commencement of harvesting timber; to provide for the rights of nonconsenting owners; to provide for evidence of violations; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 689—

BY REPRESENTATIVES FARRAR AND DEWITT

AN ACT

To enact Chapter 5-I of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:380.61 through 380.66, and R.S. 36:744(T) and 801.13, to create the Tioga Heritage Park and Museum; to provide for a museum governing board including its composition, powers, duties, responsibilities, meetings, and officers; to provide for the adoption of rules and regulations including fees; to provide for receipt and use of funds and property; to provide relative to the authority of the secretary of state with respect to the museum; to provide relative to personnel and budgets of the museum; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 717—

BY REPRESENTATIVE FLAVIN

AN ACT

To amend and reenact R.S. 33:4768(A)(1), relative to condemned structures; to provide that the city of Lake Charles, as an alternative to demolition or removal, may make repairs

necessary to correct defects in condemned structures within its jurisdiction; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 814—

BY REPRESENTATIVE FAUCHEUX

AN ACT

To enact R.S. 40:1058.1.1, relative to substance abuse and addiction treatment; to provide for substance abuse and addiction treatment facilities; to require the Department of Health and Hospitals to promulgate rules and standards for licensing or certification of such facilities; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 818—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 11:1481(1)(a), relative to the Louisiana Assessors' Retirement Fund; to provide for financing of the fund; to provide for tax deductions; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 819—

BY REPRESENTATIVES PINAC AND ARNOLD

AN ACT

To amend and reenact R.S. 11:1471, relative to the Assessors' Retirement Fund; to provide relative to the board of trustees; to provide for membership thereon; to provide for election procedures; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 885—

BY REPRESENTATIVES BRUNEAU, LANCASTER, AND JOHN SMITH

AN ACT

To amend and reenact R.S. 18:55(A)(2) and (4)(a) and 59(B)(2) and (4)(a) and (C)(2) and (4)(a), relative to registrars of voters; to provide for a salary increase for registrars of voters, chief deputy registrars, and confidential assistants to registrars of voters; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 895—

BY REPRESENTATIVE LANCASTER

AN ACT

To amend and reenact R.S. 18:1483(11), relative to the definition of major office for the purposes of the Campaign Finance Disclosure Act; to remove the exclusion of certain judicial seats from the definition of "major office"; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 913—

BY REPRESENTATIVE SCHNEIDER

AN ACT

To amend and reenact R.S. 11:1312(H) and 1335, relative to the Louisiana State Police Pension and Retirement System; to provide with respect to the conversion of annual leave and sick leave upon termination of employment; to provide relative to lump sum payments for leave conversion; to allow deposit of such payments directly into the member's Deferred Retirement Option Plan account; to provide for placing Deferred Retirement Option Plan account balances in liquid asset money market investments; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 945—

BY REPRESENTATIVE HOPKINS

AN ACT

To enact R.S. 13:2583.3, relative to justice of the peace courts in Caddo Parish; to authorize each constable of a justice of the peace court to appoint a deputy constable for that ward; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 949—

BY REPRESENTATIVE BRUCE

AN ACT

To enact Chapter 5-I of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:380.61 through 380.66, and R.S. 36:744(T) and 801.13, to create the Mansfield Women's College Museum in the Department of State; to provide relative to the governing authority of the museum including its composition, powers, duties, responsibilities, meetings, and officers; to provide for the adoption of rules and regulations including fees; to provide for receipt and use of funds and property; to provide relative to the authority of the secretary of state with respect to the museum; to provide relative to personnel and budgets of the museum; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 950—

BY REPRESENTATIVE WINSTON

AN ACT

To amend and reenact Children's Code Articles 896(D) and 900(A) and to enact Children's Code Article 898(C)(6), relative to the delinquency of juveniles; to provide with respect to the effective period of a deferred dispositional agreement, a judgment of disposition in a misdemeanor-grade adjudication, and a judgment of disposition in a felony-grade adjudication; to provide that these time periods may be extended for any juvenile participating or ordered to participate in a juvenile drug court program; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 955—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To enact R.S. 11:153(L), relative to the Sheriffs' Pension and Relief Fund; to provide for the purchase of credit for military service; to provide for the payment of the additional actuarial cost; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1018—

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 37:1178 and to enact R.S. 37:1182(A)(22), (23), and (24), 1216, and 1217, relative to the Louisiana Pharmacy Practice Act; to provide for expense reimbursement for Louisiana Board of Pharmacy members; to provide the board the authority to conduct criminal background checks; to provide the board the authority to conduct identification verification; to provide the board the authority to require evaluations; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1031—

BY REPRESENTATIVE TUCKER

AN ACT

To amend and reenact R.S. 23:631(A)(1), relative to the payment of employees; to provide for the payment of employee's wages upon separation from employment; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1108—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 37:3372(3), (9), (10), and (11), 3375(B), 3376(G)(2), 3379(A)(6), and 3383 and to enact R.S. 37:3372(12) and 3376(G)(3), relative to mental health professionals; to revise the qualifications to become a compulsive gambling counselor; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1115—

BY REPRESENTATIVES TRICHE, CURTIS, DANIEL, DEVILLIER, FAUCHEUX, FRUGE, HUDSON, KENNARD, MCVEA, JACK SMITH, JOHN SMITH, STRAIN, DOWNER, MONTGOMERY, AND PIERRE AND SENATORS MICHOT, ADLEY, CRAVINS, HINES, HOLDEN, AND MALONE

AN ACT

To amend and reenact R.S. 11:62(5)(d), 581(B)(1), and 582(A) and (C), relative to the Louisiana State Employees' Retirement System; to provide relative to the employee contribution rate for wildlife agents; to provide for definitions; to provide relative to retirement benefits for wildlife agents; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1221—

BY REPRESENTATIVE MURRAY

AN ACT

To amend and reenact R.S. 42:1102(2)(a)(ii), to provide relative to the definition of the agency of the lieutenant governor for purposes of the Code of Governmental Ethics; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1307—

BY REPRESENTATIVE LAFLEUR

AN ACT

To amend and reenact R.S. 40:432 and to enact R.S. 40:384(28), relative to local housing authorities; to provide for definitions; to authorize the collection of criminal history record information on applicants for public housing and vouchers under Housing Choice Voucher programs; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1328—

BY REPRESENTATIVES PINAC AND NEVERS

AN ACT

To enact Chapter 24-A of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:2181 through 2192, relative to licensing; to provide for licensing for persons who perform mold assessment and mold remediation services; to provide relative to the State Licensing Board for Contractors; to provide for a purpose and scope; to provide for definitions; to provide for the board's powers and duties; to provide for qualifications, applications, and fees; to provide for exceptions; to provide relative to written reports; to prohibit certain activities; to provide for license renewals; to provide for administrative

actions and penalties; to provide for cease and desist orders and injunctive relief; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1488—

BY REPRESENTATIVE FARRAR

AN ACT

To amend and reenact R.S. 33:3817(B), relative to waterworks districts; to authorize the board of commissioners of such districts to employ a president and to fix his salary; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1508—

BY REPRESENTATIVE HEBERT

AN ACT

To amend and reenact R.S. 22:1401(E) and (F), 1404(5), 1405(C), 1406(A), (B), and (D)(1)(a)(ii) and (c)(i)(introductory paragraph), 1407(A)(1) and (2)(introductory paragraph), (B), (C), (D), (E), (G), (H), and (K), 1408, 1409(A), (B), (D), and (G)(2), 1410, 1411, 1413(B), (C), and (D), 1414(B), 1415, 1416, 1418, 1419(A)(1) and (B), and 1422 and to repeal R.S. 22:1401(G) and (H), 1406(C) and (D)(7), 1407(J) and (L), 1417.1, and 1420, relative to the functions, duties, and activities of the Louisiana Insurance Rating Commission; to provide for the office of property and casualty; to provide for procedures; to provide for expenses; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1541—

BY REPRESENTATIVE STRAIN

AN ACT

To enact R.S. 23:1871(Q), relative to educational, licensing, and employment data and reports; to provide for data sharing among certain state agencies, education programs, and licensing boards for the purposes of health occupational forecasting and reporting; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1806—

BY REPRESENTATIVE TOOMY

AN ACT

To amend and reenact R.S. 15:598 and to enact R.S. 15:587.4, relative to criminal history records checks; to provide with respect to the authority of a municipal or parish fire department, a fire protection district, or a volunteer fire department to require such background checks; to provide for fees for processing such records checks; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1832—

BY REPRESENTATIVE FAUCHEUX

AN ACT

To enact R.S. 13:847(F), relative to fees clerks of court receive in criminal cases; to authorize a clerk of a district court in a parish with a population of between forty-two thousand eight hundred and forty-three thousand five hundred to receive an additional fee in expungement cases; to provide for use of the funds; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1862—

BY REPRESENTATIVE PERKINS

AN ACT

To amend and reenact R.S. 15:572(A) and (B), relative to pardons; to provide that a pardon shall not be issued to any person unless that person has paid all of the fees and fines which were imposed in connection with the conviction of the crime for which the pardon is to be issued; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1866—

BY REPRESENTATIVE RICHMOND

AN ACT

To amend and reenact R.S. 33:4701(A), 4702(B)(1) and (2) and (C)(1), 4703(A), 4706(B), 4707(A)(1) and (4), and 4708(A) and (B)(2) and (4) and to repeal R.S. 33:4702(B)(3) and (4), (E)(4) and (5), and (G) and 4703(C)(14), relative to special municipal districts; to provide with respect to the New Orleans Business and Industrial District; to provide for a name change; to provide with respect to the members of the board of commissioners of the district; to repeal certain provisions; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1886—

BY REPRESENTATIVE TUCKER

AN ACT

To enact R.S. 33:9038.10, relative to economic development districts; to provide for the annual baseline collection rate for tax increments within certain districts; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1944—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 27:93(A)(2)(introductory paragraph) and (a), (7)(introductory paragraph) and (e), and (8), to enact R.S. 27:93(A)(9), and to repeal R.S. 27:93(A)(2)(e), (f), and (i), relative to admission fees for riverboats; to provide for allocation of funds derived from riverboat boarding fees on certain riverboats in Bossier Parish; to provide for the levying of boarding fees in Bossier Parish in certain cases; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1981—

BY REPRESENTATIVE MARTINY

AN ACT

To enact R.S. 14:106.2, relative to offenses affecting the general peace and order; to prohibit the engaging of certain sexual acts in public; to provide for criminal penalties; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 2008 (Substitute for House Bill No. 1676 by Representatives Kennard and Ansardi)—

BY REPRESENTATIVES ANSARDI, KENNARD, AND MURRAY

AN ACT

To amend and reenact R.S. 13:3041, 3042, 3044(C), and 3106 and R.S. 23:965(A)(1) and to enact R.S. 13:3042.1 and 3050, relative to jury service; to provide for public policy; to provide for waivers of petit jury service; to provide for postponements of petit jury service; to provide for frequency of service on juries; to provide for the Lengthy Trial Fund; to provide for applicability of certain provisions in Orleans Parish; to provide

for the prohibition against dismissal of employees for jury service; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 2015 (Substitute for House Bill No. 993 by Representative LaFleur)—
BY REPRESENTATIVES LAFLEUR, CAZAYOUX, HUTTER, AND SCALISE

AN ACT

To enact Chapter 19-C of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1741 through 1741.3, relative to telecommunications; to provide relative to unsolicited commercial electronic mail advertisements; to provide for definitions; to prohibit certain activities; to require certain disclosures and the maintenance of certain electronic mail addresses; to provide relative to electronic mail addresses provided by an employer; to provide for civil actions and damages; and to provide for related matters.

The bill was read by title; lies over under the rules.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

May 20, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 160—
BY REPRESENTATIVES FLAVIN, GUILLORY, HILL, JOHNS, MORRISH, AND STELLY AND SENATORS CAIN, MOUNT, AND THEUNISSEN
A CONCURRENT RESOLUTION

To commend Colonel Phillip Bowen for thirty years of military service.

HOUSE CONCURRENT RESOLUTION NO. 161—
BY REPRESENTATIVES CRANE, ALEXANDER, CROWE, CURTIS, DOWNER, HONEY, HUDSON, KENNARD, KENNEY, PEYCHAUD, NEVERS, POWELL, SALTER, JANE SMITH, STELLY, SWILLING, AND WINSTON

A CONCURRENT RESOLUTION

To commend Fred Skelton upon his retirement as president of the Louisiana Federation of Teachers, to recognize and record his myriad accomplishments and contributions to education in Louisiana, and to extend to him the best wishes of the legislature as he embarks on new challenges and endeavors.

HOUSE CONCURRENT RESOLUTION NO. 162—
BY REPRESENTATIVE DURAND
A CONCURRENT RESOLUTION

To commend Charles A. Fuselier upon his retirement as sheriff of St. Martin Parish.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

House Concurrent Resolutions

Senator Lambert asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 160—
BY REPRESENTATIVES FLAVIN, GUILLORY, HILL, JOHNS, MORRISH, AND STELLY AND SENATORS CAIN, MOUNT, AND THEUNISSEN
A CONCURRENT RESOLUTION

To commend Colonel Phillip Bowen for thirty years of military service.

The resolution was read by title. Senator Mount moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Lentini
Adley	Fontenot	Malone
Barham	Gautreaux	McPherson
Boissiere	Heitmeier	Mount
Cain	Hines	Schedler
Chaisson	Holden	Smith
Dardenne	Hoyt	Tarver
Dean	Irons	Theunissen
Dupre	Johnson	Thomas
Ellington	Jones, CD	Ullo
Total—30		

NAYS

Total—0

ABSENT

Bajoie	Hollis	Marionneaux
Bean	Jones, B	Michot
Cravins	Lambert	Romero
Total—9		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 161—
BY REPRESENTATIVES CRANE, ALEXANDER, CROWE, CURTIS, DOWNER, HONEY, HUDSON, KENNARD, KENNEY, PEYCHAUD, NEVERS, POWELL, SALTER, JANE SMITH, STELLY, SWILLING, AND WINSTON

A CONCURRENT RESOLUTION

To commend Fred Skelton upon his retirement as president of the Louisiana Federation of Teachers, to recognize and record his myriad accomplishments and contributions to education in Louisiana, and to extend to him the best wishes of the legislature as he embarks on new challenges and endeavors.

The resolution was read by title. Senator Schedler moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Mount
Cain	Holden	Schedler
Chaisson	Hoyt	Smith

May 20, 2003

Dardenne
Dean
Dupre
Ellington
Fields
Total—32

Irons
Johnson
Jones, B
Jones, CD
Lentini

Tarver
Theunissen
Thomas
Ullo

NAYS

Total—0

ABSENT

Bajoie
Bean
Cravins
Total—7

Hollis
Lambert
Michot

Romero

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 162—
BY REPRESENTATIVE DURAND

A CONCURRENT RESOLUTION

To commend Charles A. Fuselier upon his retirement as sheriff of St. Martin Parish.

The resolution was read by title. Senator Hoyt moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Adley
Barham
Boissiere
Cain
Chaisson
Dardenne
Dean
Dupre
Ellington
Fields
Total—32

Fontenot
Gautreaux
Heitmeier
Hines
Holden
Hoyt
Irons
Johnson
Jones, B
Jones, CD
Lentini

Malone
Marionneaux
McPherson
Mount
Schedler
Smith
Tarver
Theunissen
Thomas
Ullo

NAYS

Total—0

ABSENT

Bajoie
Bean
Cravins
Total—7

Hollis
Lambert
Michot

Romero

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

JUDICIARY A

Senator Ellington, Chairman on behalf of the Committee on Judiciary A, submitted the following report:

May 20, 2003

To the President and Members of the Senate:

I am directed by your Committee on Judiciary A to submit the following report:

SENATE CONCURRENT RESOLUTION NO. 82—
BY SENATOR SMITH

A CONCURRENT RESOLUTION

To urge and request the Louisiana Judicial College to institute mandatory continuing legal education for judges on the family law topics of child custody and child support guidelines.

Reported favorably.

SENATE BILL NO. 221—
BY SENATOR HAINKEL

A JOINT RESOLUTION

Proposing to amend Article V, Sections 4, 9, 21, 22, and 24, and Article X, Section 26 and to add Article V, Sections 22.1, 22.2, 22.3, and 24.1 of the Constitution of Louisiana, to provide for the nomination and appointment of judges; to provide for filling of a vacancy or a newly created judgeship or vacancy in the office of judge; to provide for retention elections; to provide a term of office for judges; to provide for qualifications; to provide for the criteria to be used in the nomination and appointment of judges; to provide for the recall, by election, of judges; to provide for submission of the proposed amendment to the electors; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported favorably.

SENATE BILL NO. 318—
BY SENATOR ELLINGTON

AN ACT

To amend and reenact Children's Code Arts. 1186(A) and 1187, relative to confidentiality of adoption records; to provide for notice to certain parties prior to an adoption records hearing; to provide for fifteen days notice prior to hearing; to provide for an exception; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 455—
BY SENATOR HAINKEL

AN ACT

To enact Chapter 1-C of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:51 through 66, and to repeal Subpart D of Part VII of Chapter 5 of Title 18 of the Louisiana Revised Statutes of 1950, comprised of R.S. 18:621, relative to judges; to create judicial nominating commissions to make nominations for the selection of judges; to provide for the membership, terms, duties, and functions of such commissions; to provide for appointments from such nominations; to provide that appointees shall be confirmed by the Senate; to provide for a district court nominating commission; to provide for an appellate court nominating commission; to provide for a supreme court nominating commission; to provide for restrictions for members of a nominating commission; to provide for definitions; to provide for the manner in which a vacancy in office of a judge will be filled; to provide for implementation; to provide for an effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 768—
BY SENATOR CHAISSON

AN ACT

To amend and reenact Civil Code Art. 2324(B), relative to offenses and quasi offenses; to provide relative to liability of certain tortfeasors for damages; to provide for legislative intent; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 844—
BY SENATOR ELLINGTON

AN ACT

To enact R.S. 9:2801.2, relative to partition of community property; to provide for the valuation of goodwill as an asset in the partition of community property; to provide for definitions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 923—
BY SENATOR HOYT

AN ACT

To amend and reenact Title IV, Book III, of the Louisiana Civil Code of 1870, relative to conventional obligations or contracts; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 931—
BY SENATOR ELLINGTON

AN ACT

To amend and reenact Children's Code Art. 1263, relative to the action to annul a final decree of adoption; to provide for the peremptive period in all cases; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 76—
BY REPRESENTATIVE DOERGE

AN ACT

To amend and reenact Code of Civil Procedure Article 4843(H), relative to the civil jurisdiction of the City Court of Springhill; to increase the jurisdictional amount of the court; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 223—
BY REPRESENTATIVE MURRAY

AN ACT

To enact Code of Civil Procedure Article 4061.1, relative to natural tutors; to provide exceptions from qualifying in certain circumstances; to provide for the filing of petitions for delictual actions on behalf of minors; to provide for the form of the petition; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 263—
BY REPRESENTATIVES BALDONE AND DOWNER

AN ACT

To enact R.S. 13:2109.5, relative to the City Court of Houma; to authorize the transfer of surplus funds or unclaimed fees from the court's civil fee account to the court's general operational fund; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 445—
BY REPRESENTATIVES WELCH AND DANIEL

AN ACT

To enact R.S. 13:992.1, relative to court costs in the Nineteenth Judicial District Court; to authorize the Nineteenth Judicial District Court and the clerk of court of the Nineteenth Judicial District Court to impose additional costs of court and service charges in certain civil matters; to provide for collection of such costs and charges; to establish a judicial building fund; to provide for the dedication and disbursement of such funds; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 479—
BY REPRESENTATIVE BRUNEAU

AN ACT

To enact R.S. 9:1113, relative to the partition of immovable property; to provide for private sale in certain circumstances; to provide for petition by minority interests for partition; to provide for appraisal; to provide for time limitations; to provide for distribution of proceeds; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 484—
BY REPRESENTATIVE JOHN SMITH

AN ACT

To amend and reenact Code of Civil Procedure Article 4843(I), relative to the civil jurisdiction of the City Court of Leesville; to increase the jurisdictional amount of the court; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 485—
BY REPRESENTATIVES TOOMY, FAUCHEUX, AND WELCH

AN ACT

To amend and reenact R.S. 13:782(A)(1), relative to clerks of district courts including the civil clerk of court for the Civil District Court for the Parish of Orleans and the criminal clerk of court for the Criminal District Court for the Parish of Orleans; to provide for a salary increase for the various clerks whose salary is based on the population of their respective parishes; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 518—
BY REPRESENTATIVES JOHNS, CAZAYOUX, DAMICO, DOWNER,

FLAVIN, FRITH, FRUGE, FUTRELL, KATZ, MORRISH, NEVERS, PITRE, POWELL, SCALISE, STELLY, STRAIN, THOMPSON, WALSWORTH, WINSTON, AND WOOTON AND SENATORS CHAISSON, GAUTREAUX, MICHOT, AND THEUNISSEN

AN ACT

To enact R.S. 9:2799.6, relative to a limitation of liability for damages related to the consumption of certain products; to limit the liability of manufacturers, distributors, and sellers of food and non-alcoholic beverages; to define terms; to provide for applicability; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 597—
BY REPRESENTATIVE TOOMY

AN ACT

To amend and reenact R.S. 13:47, relative to the Judicial Compensation Commission; to provide for legislative approval of the commission's report; to provide for an effective date for salary recommendations; to provide for procedures for approval of the concurrent resolution; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 801—

BY REPRESENTATIVE TOOMY

AN ACT

To enact Chapter 1-C of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:61, relative to the Judicial Council of the Supreme Court of Louisiana; to require the council to establish guidelines for the approval of the creation of new judgeships and offices of commissioner, magistrate, and hearing officer; to require the council to provide information to the appropriate standing committees of the legislature; to provide for exceptions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 981—

BY REPRESENTATIVE STRAIN

AN ACT

To amend and reenact R.S. 9:4751(2), relative to dieticians; to include "dietician" in a certain definition of "health care provider"; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1177—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 47:2183, relative to tax sales of immovable property; to provide for notice to the prior owner; to provide for applicability to parishes or municipalities; to provide for an effective date and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1228—

BY REPRESENTATIVE ANSARDI

AN ACT

To amend and reenact Children's Code Article 423(A)(2) and (3), relative to juvenile court; to authorize hearing officers to accept agreements reached in mediation; to provide for application to parishes with a population over four hundred forty thousand; to provide for expiration; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1284—

BY REPRESENTATIVES TOOMY, ANSARDI, CAPELLA, DAMICO, LANCASTER, AND MARTINY

AN ACT

To amend and reenact R.S. 13:2562.24(D) and to enact R.S. 13:2562.24(E), relative to the First and Second Parish Courts of Jefferson Parish; to authorize the Jefferson Parish Council and the judges of the courts to provide for a security service charge fee on each filing in the First and Second Parish Courts of Jefferson Parish; to authorize the fee to be used to defray the cost of the purchase, operation, and maintenance of courtroom security devices; to authorize any excess in fees generated to be used to defray the cost of other judicial equipment, facilities, building new facilities, or payment of any bond indebtedness; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1773—

BY REPRESENTATIVE MURRAY

AN ACT

To amend and reenact R.S. 13:1312(D), relative to judicial expense funds; to provide relative to funds of any civil district court and city courts located in a parish with a population of greater than four hundred seventy thousand; to authorize the judges en banc to utilize the funds for a separate juvenile facility; to delete

prohibition against raising additional fees; to delete requirement that additional funds be derived from other noncourt cost-related sources; to delete the requirement that the Joint Legislative Committee on the Budget approve the plans and cost; and to provide for related matters.

Reported favorably.

Respectfully submitted,
NOBLE E. ELLINGTON
Chairman

REPORT OF COMMITTEE ON

JUDICIARY C

Senator Lentini, Chairman on behalf of the Committee on Judiciary C, submitted the following report:

May 20, 2003

To the President and Members of the Senate:

I am directed by your Committee on Judiciary C to submit the following report:

SENATE BILL NO. 207—

BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 14:27(D) and to enact R.S. 14:27(E), relative to attempted crimes; to provide relative to attempts of certain crimes; to increase penalties for such attempts when the victim is a peace officer; to define peace officer; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 476—

BY SENATOR BAJOE

AN ACT

To enact R.S. 14:67.22, relative to theft; to create the crime of theft of a used building component; to provide for criminal penalties; to provide for definitions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 548—

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 15:587.2, and to add R.S. 17:3351.7, relative to criminal history background checks for certain college and university employees; to require such background checks for persons having supervisory authority over students; to require the Louisiana Bureau of Criminal Identification and Information to provide certain criminal background information upon written request; to provide for the responsibilities of commissioned college or university police officers; to provide criminal penalties for failure to require certain information; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 598—

BY SENATOR MCPHERSON

AN ACT

To enact R.S. 14:112.2, relative to offenses affecting law enforcement; to prohibit not reporting to law enforcement or emergency personnel as soon as a communication can be effected certain observations of acts of violence against a

person; to provide penalties for violation; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1031—
BY SENATOR ROMERO

AN ACT

To amend and reenact R.S. 40:2403(H) and to enact R.S. 14:67.16(G) and R.S. 44:3(G), relative to crimes of misappropriation without violence; to provide relative to the crime of identity theft; to provide relative to the investigation of an allegation of such crime; to require such investigation under certain circumstances; to require training of police officers relative to such crime; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 10—
BY REPRESENTATIVES NEVERS AND BRUCE
AN ACT

To amend and reenact R.S. 14:93.3(E), relative to cruelty to the infirmed; to provide for increased penalties for second or subsequent convictions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 13—
BY REPRESENTATIVE GALLOT
AN ACT

To enact R.S. 33:1448(K), relative to group insurance for retired sheriffs and deputy sheriffs; to require the sheriff in Claiborne Parish to pay for dental, hospital, surgical, and medical insurance for certain retired sheriffs and deputy sheriffs; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 57—
BY REPRESENTATIVE BALDONE
AN ACT

To amend and reenact Code of Evidence Article 515(C)(10), relative to testimonial privileges; to provide for the accountant-client privilege in domestic proceedings; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 736—
BY REPRESENTATIVE BALDONE
AN ACT

To amend and reenact R.S. 14:100(C)(1), relative to offenses affecting the public safety; to change the criminal penalties for the crime of hit-and-run driving when there is evidence of alcohol or drug use prior to the traffic accident; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 755—
BY REPRESENTATIVE KENNARD
AN ACT

To enact R.S. 40:1472.10(A)(9), relative to the regulation of explosives; to provide for additional grounds for denial, revocation, or suspension of certain explosives licenses; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 756—
BY REPRESENTATIVE KENNARD
AN ACT

To amend and reenact R.S. 40:1472.3(C)(2), relative to regulation of explosives; to provide for nonrefundable license fees; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 757—
BY REPRESENTATIVE KENNARD
AN ACT

To repeal R.S. 40:1472.3(F) and 1472.4(B)(2), relative to explosives; to repeal provisions authorizing persons who do not possess a license to work with explosives provided that the person is working under the immediate and personal supervision and control of a person with a valid license; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 869—
BY REPRESENTATIVES MORRELL, HEATON, MARTINY, AND WOOTON
AN ACT

To enact Code of Criminal Procedure Article 814(A)(50.1), relative to responsive verdicts; to provide for responsive verdicts for possession of cocaine; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1021—
BY REPRESENTATIVES DEVILLIER, BRUCE, AND MURRAY
AN ACT

To amend and reenact R.S. 14:81.1(F) and 283(D) and R.S. 44:4.1(B)(26) and (27) and to enact R.S. 14:283(E) and R.S. 46:1845, relative to evidence of child pornography, obscenity, and video voyeurism; to declare that certain items of evidence are contraband; to provide for the seizure and disposition of contraband involving child pornographic, video voyeuristic, and obscene evidence; to provide relative to the privacy of victims; to provide for limitation of access to pornographic, video voyeuristic, or obscene evidence; to provide for the disposition of such evidence; to provide for definitions; to provide for a contradictory hearing; to provide for the disposition of evidence; to provide for the issuance of a court order; to provide for guidelines to be used when deciding whether to limit access to certain evidentiary items; to provide for exceptions to the public records law; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1022—
BY REPRESENTATIVE DEVILLIER
AN ACT

To amend and reenact R.S. 14:27(B), relative to attempt to commit a crime; to provide for an attempt to commit the crime of arson; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1024—
BY REPRESENTATIVE DEVILLIER
AN ACT

To amend and reenact Code of Criminal Procedure Article 881.1, relative to criminal sentences; to provide for the reconsideration of the sentence in felony and misdemeanor cases; to provide for the procedure to be used in filing a motion to reconsider a sentence; to provide for the time limit to file such motion; to

provide for the form of the motion; to provide for a contradictory hearing; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1025—

BY REPRESENTATIVES DEVILLIER AND BRUCE
AN ACT

To amend and reenact R.S. 14:93.2.1(B)(2), relative to child desertion; to change the criminal penalties for a second or subsequent conviction of child desertion; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1172—

BY REPRESENTATIVE MORRELL
AN ACT

To enact R.S. 13:1384, relative to criminal district courts; to provide for certain positions or office; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1250—

BY REPRESENTATIVE TRICHE
AN ACT

To amend and reenact R.S. 47:1642, relative to the criminal penalty for tax evasion; to increase the penalty for tax evasion; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1383—

BY REPRESENTATIVE DURAND
AN ACT

To amend and reenact Code of Criminal Procedure Article 279, relative to extradition costs and expenses; to provide that a person's commercial surety shall pay the expenses of extradition; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1384—

BY REPRESENTATIVE DURAND
AN ACT

To amend and reenact Code of Criminal Procedure Article 339, relative to types of bail; to provide that defendants may combine different types of bail; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
ARTHUR J. "ART" LENTINI
Chairman

**Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees**

Senator Lentini asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions just reported by Committees.

SENATE BILL NO. 207—

BY SENATOR BOISSIERE
AN ACT

To amend and reenact R.S. 14:27(D)(1) and to enact R.S. 14:27(E), relative to attempted crimes; to provide relative to attempts of certain crimes; to increase penalties for such attempts when the

victim is a peace officer; to define peace officer; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 207 by Senator Boissiere

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 14:27(D)" add "(1)"

AMENDMENT NO. 2

On page 1, line 7, after "R.S. 14:27(D)" add "(1)"

AMENDMENT NO. 3

On page 2, line 7, after "**than**" change "**sixty**" to "**fifty**"

AMENDMENT NO. 4

On page 2, delete lines 9 through 27 and add "* * *

AMENDMENT NO. 5

On page 3, delete lines 1 through 13

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 221—

BY SENATOR HAINKEL

A JOINT RESOLUTION

Proposing to amend Article V, Sections 4, 9, 21, 22, and 24, and Article X, Section 26 and to add Article V, Sections 22.1, 22.2, 22.3, and 24.1 of the Constitution of Louisiana, to provide for the nomination and appointment of judges; to provide for filling of a vacancy or a newly created judgeship or vacancy in the office of judge; to provide for retention elections; to provide a term of office for judges; to provide for qualifications; to provide for the criteria to be used in the nomination and appointment of judges; to provide for the recall, by election, of judges; to provide for submission of the proposed amendment to the electors; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported favorably by the Committee on Judiciary A. On motion of Senator Ellington, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 318—

BY SENATOR ELLINGTON

AN ACT

To amend and reenact Children's Code Arts. 1186(A) and 1190(B) and (C), relative to confidentiality of adoption records; to provide for notice to the custodian of certain adoption records prior to an adoption records hearing; to provide for fifteen days notice prior to hearing; to provide for an exception; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 318 by Senator Ellington

AMENDMENT NO. 1

On page 1, lines 2, and 8, change "1187" to "1190(B) and (C)"

AMENDMENT NO. 2

On page 1, line 3, change "certain" to "the custodian of certain adoption records"

AMENDMENT NO. 3

On page 1, line 4, delete "parties"

AMENDMENT NO. 4

On page 1, line 15, change "1187" to "1190"

AMENDMENT NO. 5

On page 2, delete lines 4 through 12 in their entirety and insert the following:

"Art. 1190. Authority of the court

* * *

B. Written notice of the date, time, and place of any disclosure proceedings shall be served and a return made in the same manner as a petition on any custodian of records sought to be disclosed at least fifteen days prior to the hearing.

B. C. A petition seeking information to verify a match of voluntary registration pursuant to Chapter 15 of this Title or other information required by law to be disclosed shall be granted. The court may appoint a curator ad hoc to open and review the adoption record and original birth certificate. The curator shall report back to the court with his findings within thirty days of the date of his acceptance of his appointments."

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 455—

BY SENATOR HAINKEL

AN ACT

To enact Chapter 1-C of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:51 through 66, and to repeal Subpart D of Part VII of Chapter 5 of Title 18 of the Louisiana Revised Statutes of 1950, comprised of R.S. 18:621, relative to judges; to create judicial nominating commissions to make nominations for the selection of judges; to provide for the membership, terms, duties, and functions of such commissions; to provide for appointments from such nominations; to provide that appointees shall be confirmed by the Senate; to provide for a district court nominating commission; to provide for an appellate court nominating commission; to provide for a supreme court nominating commission; to provide for restrictions for members of a nominating commission; to provide for definitions; to provide for the manner in which a vacancy in office of a judge will be filled; to provide for implementation; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Ellington, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 476—

BY SENATOR BAJOE

AN ACT

To enact R.S. 14:67.22, relative to theft; to create the crime of theft of a used building component; to provide for criminal penalties; to provide for definitions; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 476 by Senator Bajoe

AMENDMENT NO. 1

On page 2, line 7, after "condition" insert ", that is immovable property or fixture"

AMENDMENT NO. 2

On page 2, line 8, after "to" delete " fixtures, appliances, tools, "

AMENDMENT NO. 3

On page 2, delete line 10 and insert "chandeliers, stoves, tubs,"

AMENDMENT NO. 4

On page 2, delete line 12 and insert "air conditioners, water"

AMENDMENT NO. 5

On page 2, line 22, after "C." insert "(1)"

AMENDMENT NO. 6

On page 2, line 23, after "component" insert ", when the theft or taking amounts to a value or replacement value, whichever is greater, of five hundred dollars or more" and change "ten" to "five"

AMENDMENT NO. 7

On page 2, between lines 25 and 26, insert the following:

"(2) When the theft or taking amounts to a value or replacement value, whichever is greater, of three hundred dollars or more, but less than five hundred dollars, the offender shall be imprisoned, with or without hard labor, for not more than five years, or may be fined not more than three thousand dollars, or both.

(3)(a) When the theft or taking amounts to a value or replacement value whichever is greater, of less than three hundred dollars, the offender shall be imprisoned, for not more than one year, or may be fined not more than one thousand dollars, or both.

(b) In a case provided for in Subparagraph (a) of this Paragraph, if the offender has been convicted two or more times previously of a theft or taking which, on each previous occasion, amounted to a value or replacement value whichever is greater, of less than three hundred dollars, he shall be imprisoned, with or without hard labor, for not more than five years, or may be fined not more than three thousand dollars, or both.

D. When there has been a theft or taking by a number of distinct acts of the offender, the aggregate of the amount of the theft or taking shall determine the grade of the offense."

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 548—

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 15:587.2 and 598, relative to criminal history background checks at institutions of postsecondary education; to authorize such background checks for applicants or prospective employees; to require the Louisiana Bureau of Criminal Identification and Information to provide certain criminal history information upon written request by an institution of postsecondary education; to provide for fees; to provide for applicability; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 548 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 15:587.2" delete the remainder of the line and insert "and 598, relative to"

AMENDMENT NO. 2

On page 1, line 3, after "checks" delete the remainder of the line and insert "at institutions of postsecondary education;"

AMENDMENT NO. 3

On page 1, delete lines 4 through 9, and insert "to authorize such background checks for applicants or prospective employees; to require the Louisiana Bureau of Criminal Identification and Information to provide certain criminal history information upon written request by an institution of postsecondary education; to provide for fees; to provide for applicability;"

AMENDMENT NO. 4

On page 1, line 12, change "is" to "and 598 are"

AMENDMENT NO. 5

On page 1, delete lines 14 and 15, and delete pages 2, 3, 4, and 5, and on page 6, delete lines 1 through 16 and insert as follows:

"§587.2. Authority of university or college police officers Institutions of postsecondary education; criminal history information

A. University and college police officers commissioned pursuant to R.S. 17:1805, after receipt of fingerprint cards or other identifying information from a prospective employee, may conduct criminal history background checks using prior conviction information in the bureau's criminal history record and identification files, which pertains to an applicant or prospective employee of the university or college. Each institution of postsecondary education may require any applicant or prospective employee to supply fingerprint samples and submit to a criminal history records check to be conducted by the Bureau of Criminal Identification and Information.

B. University and college police officers may conduct these background checks immediately upon receipt of the fingerprint cards or other identifying information and shall not be required to pay a processing fee to the bureau. When a criminal history records check is requested pursuant to Subsection A of this Section, the institution of postsecondary education shall be provided with state or national criminal history record information, or both, from the Louisiana Bureau of Criminal Identification and Information and the Federal Bureau of Investigation relative to the applicant prospective employee whose fingerprints have been obtained by the institution pursuant to this Section. The Bureau of Criminal Identification and Information shall, upon request and after receipt of fingerprint cards and other identifying information as required by the bureau from the institution, make available to the institution all prior conviction information contained in the bureau's criminal history record and identification files, which pertains to the applicant or prospective employee. In addition, when the institution of postsecondary education requests such criminal history record information, the bureau shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check and make such conviction information available to the institution, which pertains to the applicant or prospective employee.

C. For each request for a criminal history records check, the institution shall include a statement signed by the applicant or prospective employee specifying his permission for such information to be released. The request shall be on a form prepared by the bureau and signed by a responsible officer or official of the institution making the request.

D. Any recipient of such information as provided in this Section shall maintain the confidentiality of such criminal history information in accordance with applicable federal or state law.

E.(1)(a) The costs of providing the information required under this Section shall be charged by the bureau, as specified in R.S. 15:587(B), to the institution for furnishing information contained in the bureau's criminal history record and

identification files, including any additional cost of providing the national criminal history records check, which pertains to the applicant or prospective employee.

(b) The institution may impose any or all of such fees or costs on the person seeking employment with the institution of postsecondary education.

(2) All fees collected by the bureau pursuant to this Section shall be deposited into the Criminal Identification and Information Fund pursuant to R.S. 15:598.

F. The provisions of this Section shall apply to all commissioned police officers who are employed institutions which are members part of the Louisiana State University System, the Southern University System, the University of Louisiana System, the Louisiana Community and Technical Colleges College System, and the Louisiana Association of Independent Colleges and Universities.

* * *

§598. Criminal Identification and Information Fund

All fees imposed and collected pursuant to R.S. 15:587, or any other provision of law in this Chapter, shall be forwarded upon receipt to the state treasurer for immediate deposit into the state treasury. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, an amount equal to that deposited as required in this Section shall be credited to a special fund hereby created in the state treasury designated as the Criminal Identification and Information Fund. All monies in this fund shall annually be appropriated by the legislature to the state police, may be withdrawn only pursuant to such appropriation, and shall be used solely and exclusively by the state police to assist in carrying out the provisions of this Chapter. Monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. Interest earned on the investment of monies shall be credited to this fund following compliance with the requirements of Article VII, Section 9(B) relative to the Bond Security and Redemption Fund. All unexpended and unencumbered monies in the fund at the end of each fiscal year shall remain in the fund."

AMENDMENT NO. 6

On page 6, line 17, change "Section 3." to "Section 2."

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 598—

BY SENATOR MCPHERSON

AN ACT

To enact R.S. 14:112.2, relative to offenses affecting law enforcement; to prohibit not reporting to law enforcement or emergency personnel as soon as a communication can be effected certain observations; to provide penalties for violation; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 598 by Senator McPherson

AMENDMENT NO. 1

On page 1, line 4 and line 5, delete "of acts of violence against a person"

AMENDMENT NO. 2

On page 1, line 9, after "observed" delete the remainder of the line and insert "person in need of assistance"

AMENDMENT NO. 3

On page 1, delete line 14

AMENDMENT NO. 4

On page 1, line 15, change "(2)" to "(1)" and after "been" delete the remainder of the line and insert "severely injured and, as a result"

AMENDMENT NO. 5

On page 2, line 1, delete "battery who"

AMENDMENT NO. 6

On page 2, line 3, change "(3)" to "(2)"

AMENDMENT NO. 7

On page 2, delete lines 7 and 8 and insert "person in need of assistance shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both."

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 768—

BY SENATOR CHAISSON

AN ACT

To amend and reenact Code of Civil Procedure Art. 1111, and to enact R.S. 9:2794.1, R.S. 40:1299.39(A)(10) and R.S. 40:1299.41(K) and Code of Civil Procedure Art. 1005.1, relative to offenses and quasi offenses; to provide relative to liability of certain tortfeasors for damages; to provide for legislative intent; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 768 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 2, change "Civil Code Art. 2324(B)" to "Code of Civil Procedure Art. 1111, and to enact R.S. 9:2794.1, R.S. 40:1299.39(A)(10) and R.S. 40:1299.41(K) and Code of Civil Procedure Art. 1005.1"

AMENDMENT NO. 2

On page 1, line 7, after "Section 1." delete the remainder of the line and insert "C.C.P. Art. 1111 is hereby amended and reenacted and C.C.P. Art. 1005.1 is hereby enacted"

AMENDMENT NO. 3

On page 1, delete lines 9 through 15 in their entirety and insert the following:

"1005.1 Affirmative Defense of Fault of Qualified Healthcare Provider

Article 1005.1 is all proposed new law.

The answer shall set forth affirmatively any claim by the defendant that the fault of a Qualified Healthcare Provider, as the term is defined by R.S. 40:1299.39 or R.S. 40:1299.41, contributed to the injury to the plaintiff. It shall include the name of the Qualified Healthcare Provider, the date of the alleged malpractice, and the specific act or omission constituting malpractice. A defendant shall amend his answer to assert this defense, with or without leave of court, at any time within one year of his being served with the petition or amended petition to which he asserts this defense. After that time, Article 1151 governs amendment.

* * *

Art. 1111. Defendant may bring in third person

A. The defendant in a principal action by petition may bring in any person, including a codefendant, who is his warrantor, or who is or may be liable to him for all or part of the principal demand.

B. In such cases the plaintiff in the principal action may assert any demand against the third party defendant arising out of or connected with the principal demand. The third party defendant thereupon shall plead his objections and defenses in the manner prescribed in Articles 921 through 969, 1003 through 1006, and 1035. He may reconvene against the plaintiff in the principal action or the third party plaintiff, on any demand arising out of or connected with the principal demand, in the manner prescribed in Articles 1061 through 1066.

C. A defendant may, in addition, bring in a health care provider, as defined in R.S. 40:1299.39 or R.S. 40:1299.41(A)(1) who is or may be liable to the plaintiff in the principal action for the injury, death, or loss that was caused, in whole or in part, by the fault or negligence of the health care provider by raising a defense pursuant to the provisions of Code of Civil Procedure Article 1005.1.

D. If the defendant fails to request a medical review panel to pursue his affirmative defense within ninety days of asserting the affirmative defense then such affirmative defense shall be abandoned.

E. If the defendant fails to obtain a medical review panel opinion and fails to file a third party demand, the health care provider in accordance with Subparagraph C, the affirmative defense shall be abandoned."

AMENDMENT NO. 4

On page 2, delete lines 2 through 9 in their entirety and insert the following:

"Section 2. R.S. 9:2794.1 is hereby enacted to read as follows:

§2794.1. Reduction of Damages; negligence of healthcare provider; burden of proof

R.S. 9:2794.1 is all proposed new law.

A. In any action for damages in which it is alleged by a defendant that the injury, death, or loss suffered by the plaintiff was caused, in whole or in part, by the fault or negligence of a health care provider as defined in R.S. 40:1299.39 or R.S. 40:1299.41(A)(1), and the defendant seeks a reduction in the amount of damages recoverable for the percentage of fault or negligence attributable to the health care provider as provided for in Article 1005.1 and Articles 1111 (C), (D) and (E) of the Code of Civil Procedure, the defendant shall comply with the provisions of R.S. 40:1299.39 or R.S. 40:1299.47 unless a claim filed on behalf of the plaintiff has previously been reviewed by a medical review panel.

B. In such third party demand against the health care provider, the defendant seeking the reduction in the amount of damages recoverable for the percentage of fault or negligence attributable to the health care provider shall have the burden to prove the fault or negligence of the health care provider. The degree or percentage of fault or negligence attributable to the health care provider, if any, shall be determined by the trier of fact; the amount of damages recoverable from the defendant shall be reduced in proportion to the degree or percentage of fault or negligence attributable to the health care provider and the damages recoverable for the percentage of fault or negligence attributable to the health care provider, subject to the limitations set forth in R.S. 40:1299.39 and R.S. 40:1299.42, shall be paid by the health care provider to the person suffering the injury, death or loss.

C. In such third party demand against the health care provider, the health care provider may assert that the claim of the party in the main demand has prescribed. In such an event the degree or percentage of fault or negligence attributable to the health care provider, if any, shall be determined by the trier of fact; the amount of damages recoverable from the defendant shall be reduced in proportion to the degree or percentage of fault or negligence attributable to the health care provider; and no damages shall be paid

by the health care provider to the person suffering the injury, death or loss.

D. The defendant shall not be liable for more than the percentage of damages attributable to his degree of fault.

Section 3. R.S. 40:1299.39(A)(10) and 1299.41(K) are hereby enacted to read as follows:

1299.39. Definitions and general application

(A) As used in this Part:

* * *

R.S. 40:1299.39(A)(10) is all proposed new law.

(10) A malpractice claim as defined in R.S. 40:1299.39.1(A)(1) includes a tortfeasor as provided for in R.S. 9:2794.1.

* * *

1299.41. Definitions and general applications

* * *

R.S. 40:1299.41(K) is all proposed new law.

(K) A malpractice claim as defined in R.S. 40:1299.47 includes a tortfeasor as provided for in R.S. 9:2794.1.

* * *

AMENDMENT NO. 5

On page 2, line 10, change "Section 2" to "Section 4"

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 844—

BY SENATOR ELLINGTON

AN ACT

To enact R.S. 9:2801.2, relative to partition of community property; to provide for the valuation of goodwill as an asset in the partition of community property for certain businesses; to provide for definitions; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 844 by Senator Ellington

AMENDMENT NO. 1

On page 1, line 4, after "property" insert "for certain businesses"

AMENDMENT NO. 2

On page 1, line 9, change "shall" to "may"

AMENDMENT NO. 3

On page 1, line 10, change "any" to "a"

AMENDMENT NO. 4

On page 1, line 11, after "commercial" delete "or professional"

AMENDMENT NO. 5

On page 1, line 15, after "business." insert the following:

"Goodwill shall not include the intangible asset of any business, whether a professional service business or commercial business, which results solely from the identity, reputation or qualifications of the owner or from his relationship with clients or customers of the business. Nor shall goodwill be valued, in a proceeding to partition community property, for any closely held family corporation or business in which the owner is the sole shareholder and in which over eighty-five percent of the income is generated by the owner."

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 923—

BY SENATOR HOYT

AN ACT

To amend and reenact Civil Code Arts. 2036 and 2037 and to enact Chapter 7 of Code Title IV of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:2790.1 through 2790.12, all relative to obligations; to provide for the Uniform Fraudulent Transfer Act; to provide for definitions; to provide that certain transfers are fraudulent; to provide for remedies of creditors; to provide for defenses, liability and protection of a transferee; to provide for extinguishment of a cause of action; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 923 by Senator Hoyt

AMENDMENT NO. 1

On page 1, delete lines 2 through 4, and insert the following:

"To amend and reenact Civil Code Arts. 2036 and 2037 and to enact Chapter 7 of Code Title IV of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:2790.1 through 2790.12, all relative to obligations; to provide for the Uniform Fraudulent Transfer Act; to provide for definitions; to provide that certain transfers are fraudulent; to provide for remedies of creditors; to provide for defenses, liability and protection of a transferee; to provide for extinguishment of a cause of action; and to provide for related matters."

AMENDMENT NO. 2

On page 1, delete lines 6 through 10, and insert the following:

"Section 1. Civil Code Arts. 2036 and 2037 are hereby amended and reenacted to read as follows:

Art. 2036. Act of the obligor that causes or increases his insolvency

An obligee has a right to annul an act of the obligor, or the result of a failure to act of the obligor, made or effected after the right of the obligee arose, that causes or increases the obligor's insolvency. **The act of the obligor can be annulled when there is a conversion of non-exempt assets into exempt assets as provided for in R.S. 9:2790.1 through 2790.12.**

Art. 2037. Insolvency

An obligor is insolvent when the total of his liabilities exceeds the total of his fairly appraised **non-exempt** assets.

Section 2. Chapter 7 of Code Title IV of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:2790.1 through 2790.12 is hereby enacted to read as follows:

CHAPTER 7. UNIFORM FRAUDULENT TRANSFER ACT

Chapter 7 is all proposed new law.

§2790.1. Definitions

R.S. 9:2790.1 is all proposed new law.

As used in this Chapter, the following definitions shall apply unless the context clearly indicates a different meaning:

(1) "Affiliate" means:

(a) A person who directly or indirectly owns, controls, or holds with power to vote, twenty percent or more of the outstanding voting securities of the debtor, other than a person who holds the securities:

(i) As a fiduciary or agent without sole discretionary power to vote the securities; or

(ii) Solely to secure a debt, if the person has not exercised the power to vote.

(b) A corporation, twenty percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the debtor or a person who directly or indirectly owns, controls, or holds, with power to vote, twenty percent or more of the outstanding voting securities of the debtor, other than a person who holds the securities:

(i) As a fiduciary or agent without sole power to vote the securities; or

(ii) Solely to secure a debt, if the person has not in fact exercised the power to vote.

(c) A person whose business is operated by the debtor under a lease or other agreement, or a person, substantially all of whose assets are controlled by the debtor; or

(d) A person who operates the debtor's business under a lease or other agreement or controls substantially all of the debtor's assets.

(2) "Asset" means property of a debtor, but the term does not include:

(a) Property to the extent it is encumbered by a valid lien;

(b) Property to the extent it is generally exempt under nonbankruptcy law; or

(3) "Claim" means a right to payment, whether or not the right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.

(4) "Creditor" means a person who has a claim.

(5) "Debt" means liability on a claim.

(6) "Debtor" means a person who is liable on a claim.

(7) "Insider" includes:

(a) If the debtor is an individual:

(i) A relative of the debtor or of a general partner of the debtor;

(ii) A partnership in which the debtor is a general partner;

(iii) A general partner in a partnership described in Subparagraph (ii) or (c); or

(iv) A corporation of which the debtor is a director, officer, or person in control;

(b) If the debtor is a corporation:

(i) A director of the debtor;

(ii) An officer of the debtor;

(iii) A person in control of the debtor;

(iv) A partnership in which the debtor is a general partner;

(v) A general partner in a partnership described in Subparagraph (iv) or (c); or

(vi) A relative of a general partner, director, officer, or person in control of the debtor.

(c) If the debtor is a partnership:

(i) A general partner of the debtor;

(ii) A relative of a general partner in, a general partner of, or a person in control of the debtor;

(iii) Another partnership in which the debtor is a general partner;

(iv) A general partner in a partnership described in Subparagraph (iii); or

(v) A person in control of the debtor.

(d) An affiliate, or an insider of an affiliate as if the affiliate were the debtor.

(e) A managing agent of the debtor.

(8) "Lien" means a charge against an interest in property to secure payment of a debt or performance of an obligation, and includes a security interest created by agreement, a judicial lien obtained by legal or equitable process or proceedings, a privilege, or a statutory lien.

(9) "Person" means an individual, partnership, corporation, association, organization, government or governmental subdivision

or agency, business trust, estate, trust, or any other legal or commercial entity.

(10) "Property" means anything that may be the subject of ownership.

(11) "Relative" means an individual related by consanguinity within the third degree as determined by the Civil Code, a spouse, or an individual related to a spouse within the third degree as so determined, and includes an individual in an adoptive relationship within the third degree.

(12) "Transfer" means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with an asset or an interest in an asset, and includes payment of money, release, lease, and creation of a lien or other encumbrance.

(13) "Valid lien" means a lien that is effective against the holder of a judicial lien subsequently obtained by legal or equitable process or proceedings.

§2790.2. Insolvency

R.S. 9:2790.2 is all proposed new law.

A. A debtor is insolvent if the sum of the debtor's debts is greater than all of the debtor's assets at a fair valuation.

B. A debtor who is generally not paying his or her debts as they become due is presumed to be insolvent.

C. A partnership is insolvent under Subsection A of this Section if the sum of the partnership's debts is greater than the aggregate, at a fair valuation, of all of the partnership's assets and the sum of the excess of the value of each general partner's nonpartnership assets over the partner's nonpartnership debts.

D. Assets under this Section do not include property that has been transferred, concealed, or removed with intent to hinder, delay, or defraud creditors or that has been transferred in a manner making the transfer voidable under this Chapter.

E. Debts under this Section do not include an obligation to the extent it is secured by a valid lien on property of the debtor not included as an asset.

§2790.3. Value

R.S. 9:2790.3 is all proposed new law.

A. Value is given for a transfer or an obligation if, in exchange for the transfer or obligation, property is transferred or an antecedent debt is secured or satisfied, but value does not include an unperformed promise made otherwise than in the ordinary course of the promisor's business to furnish support to the debtor or another person.

B. For the purposes of R.S. 9:2790.4 and 2790.5, a person gives a reasonably equivalent value if the person acquires an interest of the debtor in an asset pursuant to a regularly conducted, noncollusive foreclosure sale or execution of a power of sale for the acquisition or disposition of the interest of the debtor upon default under a mortgage, deed of trust, or security agreement.

C. A transfer is made for present value if the exchange between the debtor and the transferee is intended by them to be contemporaneous and is in fact substantially contemporaneous.

§2790.4. Transfers fraudulent as to present and future creditors

R.S. 9:2790.4 is all proposed new law.

A. A transfer made or obligation incurred by a debtor is fraudulent as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation:

(1) With actual intent to hinder, delay, or defraud any creditor of the debtor; or

(2) Without receiving a reasonably equivalent value in exchange for the transfer or obligation, and the debtor:

(a) Was engaged or was about to engage in a business or a transaction for which the remaining assets of the debtor were unreasonably small in relation to the business or transaction; or

(b) Intended to incur, or believed or reasonably should have believed that he or she would incur, debts beyond his or her ability to pay as they became due.

B. In determining actual intent under Subparagraph A(1) of this Subsection A of this Section, consideration may be given, including, but not limited to other factors, to whether:

- (1) The transfer or obligation was to an insider.
- (2) The debtor retained possession or control of the property transferred after the transfer.
- (3) The transfer or obligation was disclosed or concealed.
- (4) Before the transfer was made or obligation was incurred, the debtor had been sued or threatened with suit.
- (5) The transfer was of substantially all the debtor's assets.
- (6) The debtor absconded.
- (7) The debtor removed or concealed assets.
- (8) The value of the consideration received by the debtor was reasonably equivalent to the value of the asset transferred or the amount of the obligation incurred.

(9) The debtor was insolvent or became insolvent shortly after the transfer was made or the obligation was incurred.

(10) The transfer occurred shortly before or shortly after a substantial debt was incurred.

(11) The debtor transferred the essential assets of the business to a lienor who transferred the assets to an insider of the debtor.

§2790.5. Transfers fraudulent as to present creditors

R.S. 9:2790.5 is all proposed new law.

A. A transfer made or obligation incurred by a debtor is fraudulent as to a creditor whose claim arose before the transfer was made to an insider for an antecedent debt, the debtor was insolvent at that time, and the insider had reasonable cause to believe that the debtor was insolvent.

B. A transfer made by a debtor is fraudulent as to a creditor whose claim arose before the transfer was made if the transfer was made to an insider for an antecedent debt, the debtor was insolvent at that time, and the insider had reasonable cause to believe that the debtor was insolvent.

§2790.6. When transfer made or obligation incurred

R.S. 9:2790.6 is all proposed new law.

A. A transfer is made:

(1) With respect to an asset that is real property other than a fixture, but including the interest of a seller or purchaser under a contract for the sale of the asset, when the transfer is so far perfected that a good faith purchaser of the asset from the debtor against whom applicable law permits the transfer to be perfected cannot acquire an interest in the asset that is superior to the interest of the transferee.

(2) With respect to an asset that is not real property or that is a fixture, when the transfer is so far perfected that a creditor on a simple contract cannot acquire a judicial lien otherwise than under this Chapter that is superior to the interest of the transferee.

B. If applicable law permits the transfer to be perfected as provided in Paragraph A(1) of Subsection A of this Section and the transfer is not so perfected before the commencement of an action for relief under this Chapter, the transfer is deemed made immediately before the commencement of the action.

C. If applicable law does not permit the transfer to be perfected as provided in Paragraph A(1) of Subsection A of this Section, the transfer is made when it becomes effective between the debtor and the transferee.

D. A transfer is not made until the debtor has acquired rights in the asset transferred.

E. An obligation is incurred:

- (1) If oral, when it becomes effective between the parties; or
- (2) If evidenced by a writing, when the writing executed by the obligor is delivered to or for the benefit of the obligee.

§2790.7. Remedies of creditors

R.S. 9:2790.7 is all proposed new law.

A. In an action for relief against a transfer or obligation under this Chapter, a creditor, subject to the limitations provided in R.S. 9:2790.8 may obtain:

(1) Avoidance of the transfer or obligation to the extent necessary to satisfy the creditor's claim;

(2) An attachment or other provisional remedy against the asset transferred or other property of the transferee in accordance with applicable law;

(3) Subject to applicable principles of equity and in accordance with applicable rules of civil procedure:

(a) An injunction against further disposition by the debtor or a transferee, or both, of the asset transferred or of other property;

(b) Appointment of a receiver to take charge of the asset transferred or of other property of the transferee; or

(c) Any other relief the circumstances may require.

B. If a creditor has obtained a judgment on a claim against the debtor, the creditor, if the court so orders, may levy execution on the asset transferred or its proceeds.

§2790.8. Defenses, liability, and protection of transferee

R.S. 9:2790.8 is all proposed new law.

A. A transfer or obligation is not voidable as provided in R.S. 9:2790.4 against a person who took in good faith and for a reasonably equivalent value or against any subsequent good faith transferee or obligee.

B. Except as otherwise provided in this Section, to the extent a transfer is voidable in an action by a creditor as provided in R.S. 9:2790.7, the creditor may recover judgment for the value of the asset transferred, as adjusted as provided in Subsection C of this Section, or the amount necessary to satisfy the creditor's claim, whichever is less. The judgment may be entered against:

(1) The first transferee of the asset or the person for whose benefit the transfer was made; or

(2) Any subsequent transferee other than a good faith transferee who took for value or from any subsequent transferee.

C. If the judgment as provided in Subsection B of this Section is based upon the value of the asset transferred, the judgment must be for an amount equal to the value of the asset at the time of the transfer, subject to adjustment as the equities may require.

D. Notwithstanding voidability of a transfer or an obligation as provided in this Chapter, a good faith transferee or obligee is entitled, to the extent of the value given the debtor for the transfer or obligation, to:

(1) A lien on or a right to retain any interest in the asset transferred;

(2) Enforcement of any obligation incurred; or

(3) A reduction in the amount of the liability on the judgment.

E. A transfer is not voidable provided in R.S. 9:2790.4 and 2790.5 if the transfer results from:

(1) Termination of a lease upon default by the debtor when the termination is pursuant to the lease and applicable law; or

(2) Enforcement of a security interest in compliance with Title 10 of the Louisiana Revised Statutes.

F. A transfer is not voidable as provided in R.S. 9:2790.5:

(1) To the extent the insider gave new value to or for the benefit of the debtor after the transfer was made unless the new value was secured by a valid lien;

(2) If made in the ordinary course of business or financial affairs of the debtor and the insider; or

(3) If made pursuant to a good faith effort to rehabilitate the debtor and the transfer secured present value given for that purpose as well as an antecedent debt of the debtor.

§2790.9. Extinguishment of cause of action

R.S. 9:2790.9 is all proposed new law.

A cause of action with respect to a fraudulent transfer or obligation as provided in this Chapter is extinguished unless the action is brought:

(1) Under R.S. 9:2790.4(A)(1), within four years after the transfer was made or the obligation was incurred or, if later, within one year after the transfer or obligation was or could reasonably have been discovered by the claimant;

(2) Under R.S. 9:2790.4(A)(2) or R.S. 9:2790.5(A), within four years after the transfer was made or the obligation was incurred; or

(3) Under R.S. 9:2790.5(B), within one year after the transfer was made or the obligation was incurred.

§2790.10. Supplementary provisions

R.S. 9:2790.10 is all proposed new law.

Unless displaced by the provisions of this Chapter, the principles of law and equity, including Book III of the Civil Code and Title 10 of the Louisiana Revised Statutes the law relating to principal and agent, estoppel, laches, fraud, misrepresentation, duress, coercion, mistake, insolvency, or other validating or invalidating cause, supplement those provisions.

§2790.11. No exemption for fraudulent transfers

R.S. 9:2790.11 is all proposed new law.

An exemption from attachment, garnishment, or legal process provided by law is not effective if it results from a fraudulent transfer or conveyance as provided in this Chapter.

§2790.12. Fraudulent asset conversions

R.S. 9:2790.12 is all proposed new law.

A. As used in this Section, "Conversion" means every mode, direct or indirect, absolute or conditional, of changing or disposing of an asset, such that the products or proceeds of the asset become immune or exempt by law from claims of creditors of the debtor and the products or proceeds of the asset remain property of the debtor. The definitions of this Chapter apply to this Section unless the application of a definition would be unreasonable.

B. Any conversion by a debtor of an asset that results in the proceeds of the asset becoming exempt by law from the claims of a creditor of the debtor is a fraudulent asset conversion as to the creditor, whether the creditor's claim to the asset arose before or after the conversion of the asset, if the debtor made the conversion with the intent to hinder, delay, or defraud the creditor.

C. In an action for relief against a fraudulent asset conversion, a creditor may obtain:

(1) Avoidance of the fraudulent asset conversion to the extent necessary to satisfy the creditor's claim.

(2) An attachment or other provisional remedy against the asset converted in accordance with applicable law.

(3) Subject to applicable principles of equity and in accordance with applicable rules of civil procedure.

(4) An injunction against further conversion by the debtor of the asset or of other property.

(5) Any other relief the circumstances may require.

D. If a creditor has obtained a judgment on a claim against the debtor, the creditor, if the court so orders, may levy execution on the asset converted or its proceeds.

E. A cause of action with respect to a fraudulent asset conversion is extinguished unless an action is brought within four years after the fraudulent asset conversion was made.

F. If an asset is converted and the converted asset is subsequently transferred to a third party, the provisions of this Chapter apply to the transfer to the third party."

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 931—
BY SENATOR ELLINGTON

AN ACT

To amend and reenact Children's Code Art. 1263, relative to the action to annul a final decree of adoption; to provide for the peremptive period in all cases; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Ellington, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 1031—
BY SENATOR ROMERO

AN ACT

To amend and reenact R.S. 40:2403(H) and to enact R.S. 14:67.16(G) and R.S. 44:3(G), relative to crimes of misappropriation without violence; to provide relative to the crime of identity theft; to provide relative to the investigation of an allegation of such crime; to require such investigation under certain circumstances; to require training of police officers relative to such crime; to require funding prior to the implementation of such training; to provide for an effective date for the implementation of such training; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 1031 by Senator Romero

AMENDMENT NO. 1

On page 1, line 7, after the semicolon ";", insert "to require funding prior to the implementation of such training; to provide for an effective date for the implementation of such training;"

AMENDMENT NO. 2

On page 3, line 6, after "(2)" insert "(a)"

AMENDMENT NO. 3

On page 3, line 8, after "officers" insert "by January 1, 2004"

AMENDMENT NO. 4

On page 3, between lines 8 and 9, insert the following:

"(b) The provisions of this Paragraph shall be implemented only to the extent that funds are made available for such purpose."

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

Rules Suspended

Senator Lentini asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 407 from the Committee on Finance.

SENATE BILL NO. 407—
BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 40:1484.2(8) and 1484.4, relative to regulation of amusement attractions and rides; to provide for inspection of air-supported structures; to provide for a definition; to provide for inspection; to provide for certification; and to provide for related matters.

On motion of Senator Lentini, the bill was read by title and passed to a third reading.

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

Senator Ullo, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

May 20, 2003

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Bills have been properly enrolled:

SENATE BILL NO. 367 (Duplicate of House Bill No. 350)—
BY SENATOR SCHEDLER AND REPRESENTATIVE THOMPSON
AN ACT

To enact R.S. 32:429.3, relative to the office of motor vehicles; to require the office of motor vehicles to collect and report certain statistical information; and to provide for related matters.

SENATE BILL NO. 466 (Duplicate of House Bill No. 189)—
BY SENATOR HOLLIS AND REPRESENTATIVE PINAC AND
COAUTHORED BY REPRESENTATIVE MURRAY
AN ACT

To repeal R.S. 6:829, relative to savings and loan association investments; to repeal the restriction on investments in non-liquid assets; and to provide for related matters.

SENATE BILL NO. 486 (Duplicate of House Bill No. 188)—
BY SENATOR HOLLIS AND REPRESENTATIVE PINAC AND
COAUTHORED BY SENATOR MICHOT AND REPRESENTATIVE
MURRAY

AN ACT

To amend and reenact R.S. 6:285(A), (C)(1), and (F), 714(A), (C), and (F) and 1188(C), relative to officers of certain financial institutions; to provide for officers; to provide for election by the board of directors; and to provide for related matters.

SENATE BILL NO. 1029—
BY SENATORS HOLLIS, B. JONES, BARHAM, BOISSIERE, CAIN, CRAVINS, DARDENNE, DEAN, DUPRE, HAINKEL, HINES, HOYT, IRONS, JOHNSON, LENTINI, MALONE, MCPHERSON, MICHOT, ROMERO, SCHEDLER, SMITH, THEUNISSEN, THOMAS AND ULLO AND REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 51:2452(A), 2453(1)(b)(i), and 2453(4), relative to the quality jobs program; to provide that out-of-state employees relocating to Louisiana qualify as "new direct jobs" under the "Louisiana Quality Jobs Program Act"; to provide for technical and grammatical changes and for an effective date; and to provide for related matters.

SENATE BILL NO. 1041 (Duplicate of House Bill No. 1843)—
BY SENATOR IRONS AND REPRESENTATIVE MARTINY
AN ACT

To amend and reenact R.S. 9:2440, relative to testaments; to provide for the continued validity of certain previously executed testaments; and to provide for related matters.

SENATE BILL NO. 1048 (Substitute for Senate Bill No. 993 by Senator Theunissen) (Duplicate of House Bill No. 1801)—

BY SENATOR THEUNISSEN AND REPRESENTATIVE FLAVIN AND
COAUTHORED BY SENATOR MOUNT AND REPRESENTATIVES JOHNS, MORRISH AND STELLY

AN ACT

To amend and reenact R.S. 34:202 and 204 and to enact R.S. 34:204.1, relative to the Lake Charles Harbor and Terminal District; to provide relative to the appointment and terms of the district's board of commissioners; to provide relative to the board's responsibility for management of the district; to provide for the employment of a port director including his qualifications and duties; and to provide for related matters.

Respectfully submitted,
CHRIS ULLO
Chairman

The foregoing Senate Bills were signed by the President of the Senate.

**Privilege Report of the Committee on
Senate and Governmental Affairs**

ENROLLMENTS

Senator Ullo, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

May 20, 2003

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolution has been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 88—
BY SENATORS HAINKEL, ADLEY, BAJOE, BARHAM, BEAN, BOISSIERE, CAIN, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAUX, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS AND ULLO AND REPRESENTATIVES BRUNEAU AND LANCASTER

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana on the death of Mary Frances Burns Gregson.

Respectfully submitted,
CHRIS ULLO
Chairman

The foregoing Senate Concurrent Resolution was signed by the President of the Senate.

**Privilege Report of the Committee on
Senate and Governmental Affairs**

ENROLLMENTS

Senator Ullo, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

May 20, 2003

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Resolutions have been properly enrolled:

SENATE RESOLUTION NO. 8—
BY SENATOR MCPHERSON

A RESOLUTION

To establish a task force to study the outbreak of West Nile virus in Louisiana and the control of the virus through mosquito abatement.

SENATE RESOLUTION NO. 28—
BY SENATOR CRAVINS

A RESOLUTION

To urge and request the Senate Committee on Health and Welfare to review the actions of, and the laws applicable to, the Louisiana State Board of Social Work Examiners.

SENATE RESOLUTION NO. 45—
BY SENATOR MALONE

A RESOLUTION

To recognize Marshall McKenzie as a recipient of the Lifetime Achievement Award by the National Association of Social Workers.

SENATE RESOLUTION NO. 24—
BY SENATOR MCPHERSON

A RESOLUTION

To urge and request that the Senate Select Committee on Consumer Affairs study contracts with an automatic renewal clause.

SENATE RESOLUTION NO. 39—
BY SENATOR HOLDEN

A RESOLUTION

To recognize and commend Southern University's men and women track teams for an outstanding season, and for capturing the Southwestern Athletic Conference championships.

SENATE RESOLUTION NO. 33—
BY SENATOR HOLDEN

A RESOLUTION

To recognize and commend the women's track team, coaches and staff of the Southern University Agricultural and Mechanical College for winning the Southwestern Athletic Conference track championship.

SENATE RESOLUTION NO. 35—

BY SENATORS BARHAM, ADLEY, BAJOE, BEAN, BOISSIERE, CAIN, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAUX, HAINKEL, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS AND ULLO

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of S. W. "Red" Haile of Calhoun, Louisiana upon his death.

SENATE RESOLUTION NO. 36—

BY SENATORS BARHAM, ADLEY, BAJOE, BEAN, BOISSIERE, CAIN, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAUX, HAINKEL, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS AND ULLO

A RESOLUTION

To commend Edwards Barham for his successful career and for his many years of living.

SENATE RESOLUTION NO. 37—
BY SENATOR GAUTREAUX

A RESOLUTION

To commend and congratulate the players and coaches of the Berwick High School Lady Panthers on winning the Class 3A State Softball Championship.

SENATE RESOLUTION NO. 38—
BY SENATORS HOLDEN, FIELDS AND HAINKEL

A RESOLUTION

To commend the Southern University Men's Baseball team on winning the third straight Southwestern Athletic Conference Championship title.

SENATE RESOLUTION NO. 41—
BY SENATOR JOHNSON

A RESOLUTION

To express the condolences of the Senate of the Legislature of Louisiana upon the death of Lamar Smith, Sr.

SENATE RESOLUTION NO. 42—
BY SENATOR HOLDEN

A RESOLUTION

To commend and congratulate the players, coaches, managerial personnel, trainer, and statistician of the Southern University Lady Jaguars Softball Team on winning the Southwestern Athletic Conference Tournament Championship Title.

SENATE RESOLUTION NO. 43—
BY SENATOR C. JONES

A RESOLUTION

To congratulate Mrs. Tilla Parker on the occasion of her 100th birthday.

SENATE RESOLUTION NO. 44—
BY SENATOR JOHNSON

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate upon the death of Farhan Ahmed.

Respectfully submitted,
CHRIS ULLO
Chairman

The foregoing Senate Resolutions were signed by the President of the Senate and presented to the Secretary of State by the Secretary.

Message from the House

**SIGNED HOUSE BILLS AND
JOINT RESOLUTIONS**

May 20, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Bills and Joint Resolutions:

HOUSE BILL NO. 130—

BY REPRESENTATIVES JOHN SMITH, HILL, AND ILES AND SENATOR CAIN

AN ACT

To authorize the commissioner of the Department of Agriculture and Forestry to exchange certain property in Beauregard Parish with the Cooper Cemetery Association; to provide for property descriptions; to provide for the reservation of mineral rights; to provide for terms and conditions; and to provide for related matters.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

The House Bills and Joint Resolutions contained herein were signed by the President of the Senate.

Leaves of Absence

The following leaves of absence were asked for and granted:

Bean	1 Day	Cravins	1 Day
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Adjournment

Senator Lambert moved that the Senate adjourn until Wednesday, May 21, 2003, at 1:30 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:30 o'clock P.M. on Wednesday, May 21, 2003.

MICHAEL S. BAER, III
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk